



2026:AHC:67929

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1537 of 2026

Mohan Singh And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajiv Sisodia, Shashank Dwivedi
Counsel for Opposite Party(s)	:	Amit Rai, G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicants, the Learned A.G.A. for the State and perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.482 of 2025, under Section 338, 336(3), 340(2) BNS, Police Station- Chandpur, District Bijnor, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.
3. Applicant was granted anticipatory bail by this Court in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.8867 of 2025** by the order dated 10.11.2025.
4. Learned counsel for the applicants contends that now the chargesheet has been submitted in additional sections for which the applicants had applied for anticipatory bail before the concerned court. As the offences which have now been added in the investigation entail life imprisonment also, Applicants apprehend their arrest, when they would be summoned by the concerned court.
5. Sri Amit Rai, learned counsel for the informant, on the other hand, states that although, chargesheet has been submitted by the police, however, applicants have not been summoned till date.
6. In such circumstances, he contends that there is no apprehension of

arrest. He has further pointed out that the applicant no.2 has criminal history of two cases.

7. Learned AGA also supported the contention raised by learned counsel for the informant.

8. This Court in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. 8867 of 2025** passed the following order:

1. Supplementary affidavit filed on behalf of the applicants, which is taken on record.

2. Heard Shri Rajiv Sisodia, learned counsel for the applicants, Shri Amit Rai, learned counsel for the first informant, Shri O.P. Singh, learned A.G.A. for the State and perused the record.

3. The present application has been moved seeking anticipatory bail in Case Crime no.482 of 2025, under Sections 61(2), 318(4), 352, 351(2) of B.N.S., Police Station Chandpur, District Bijnor, with the prayer that in the event of arrest, applicants may be released on bail.

4. It has been argued by the learned counsel for the applicants that applicants are innocent and they have been falsely implicated in this case. It is further submitted that the first information report has been lodged after a considerable delay of 8 months after filing of the original suit for cancellation of the alleged sale deed. It is further submitted that the applicant no.2 had taken loan of Rs.5 Lacs from the first informant by mortgaging immovable property and later on applicant no.2 executed sale deed of the said land in favour of the daughter of the first informant. It is also submitted that the applicant is having criminal history of two cases, which has been explained in the supplementary affidavit filed today. It was also submitted that applicants undertake to co-operate during trial and they would appear as and when required by the investigating agency or Court. It has been stated that in case, applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

5. Learned counsel for the first informant has opposed the application for anticipatory bail and has submitted that the applicants are said to have obtained loan from a Bank, namely, Urban Co-operative Bank Limited, Chandpur, District Bijnor by mortgaging his property, the sale deed of which has been executed by him in favour of the

daughter of the first informant.

6. On the other hand, learned A.G.A. has also opposed the application for anticipatory bail.

7. As per allegation in the first information report, the applicant no.2 is said to have taken loan from the Bank, namely, Urban Co-operative Bank Limited, Chandpur, District Bijnor by mortgaging the property, in which, the sale deed of the said land has been executed in favour of the daughter of the first informant. The applicant no.1 is the marginal witness of the said sale deed and the applicants are said to have filed Original Suit on 28.01.2025 and the first information report has been lodged on 03.09.2025. It is also submitted that the applicant is having criminal history of two cases, which has been explained in the supplementary affidavit filed today.

8. It may be stated that in case of Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

9. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, role of applicants and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

10. The anticipatory bail application is allowed.

11. In the event of arrest of the applicants - Mohan Singh and Balveer Singh, involved in the aforesaid case crime shall be released on anticipatory bail on their furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned till submission of police report under Section 173(2) Cr.P.C./ 193(3) BNSS with the following conditions :-

(i) The applicants shall not tamper with evidence and that they would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) The applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicants would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicants shall not leave India without prior permission of the Court concerned.

12. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

9. During investigation, the applicants are not said to have misused the liberty of anticipatory bail granted to them. The chargesheet has now been submitted for offence under Sections 338, 336 (3), 340 (2) of the BNS. Apart from the other provisions for which the applicants had been granted anticipatory bail during pendency of the investigation. The criminal history of the applicant no.2 that has been pointed out showed offences punishable with a maximum imprisonment of 7 years. The applicant no.2 is said to be on bail in both the cases.

10. Taking into account the entire facts and circumstances of the case, especially the fact that the applicants had been granted anticipatory bail during the pendency of the investigation and are not said to have misused the liberty so granted.

11. This Court deems it appropriate to grant anticipatory bail to the applicants till the conclusion of trial of the court concerned.

12. In view of the above, the anticipatory bail application of the applicants is allowed.

13. In the event of the arrest of the applicants, **Mohan Singh and Balveer Singh**, they shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicants shall make themselves available for interrogation by a police officer as and when required;

ii. that the applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

iii. that the applicants shall not leave India without the previous permission of the Court;

iv. that the applicants shall not pressurize/intimidate the prosecution witness;

14. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

15. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

March 30, 2026

S.A.