



2026:AHC-LKO:19389

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 780 of 2025**

Kuldeep Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home U.P. Lko.
And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Awasthi, Nitin Singh, Syed
Mohammad Abid

Counsel for Opposite Party(s) : G.A., Awadhesh Kumar Pandey

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

Heard learned counsel for the applicant, Shri Awadhesh Kumar Pandey,
learned counsel for respondent o.2 and learned A.G.A. for the State.

The present application under Section 438CrPC/482 BNSS has been filed
seeking anticipatory bail of the applicant **-Kuldeep Singh** in Case Crime
No.32/2021, under section 2/3 of the U.P.Gangsters Act, Police Station
Mahrajganj, District Raebareli.

The Co-ordinate Bench of this Court vide order dated 15.7.2025 has
passed the following order granting interim anticipatory bail to the
applicant:-

*"1.The present anticipatory bail application has been filed seeking
anticipatory bail in case crime No.32 of 2021 under sections 2/3 U.P.
Gangster and Anti Social Activities (Prevention) Act, 1986, P.S. Mahrajganj,
district Raibareli.*

*2.Heard learned counsel for the applicant and learned Additional
Government Advocate for the State.*

*3.One case is shown in the gang chart against the applicant, in which he has
been enlarged on bail and has also been acquitted later on vide order
contained in Annexure No.4. There is no other criminal history of the
applicant. The applicant has been falsely implicated in the case shown in the
gang chart. The ground on the basis of which the applicant has been
implicated as per gang chart has been falsified by the acquittal order itself.*

*4.Learned counsel for the applicant undertakes that the applicant shall
cooperate in the trial.*

5.Learned Addl. Government Advocate has opposed the prayer made by

applicant's counsel but could not dispute the fact that the applicant has been acquitted and there is no other criminal history of the applicant.

6.Issue notice to respondent No.2.

7.List on 13.8.2025. In the meantime, learned A.G.A. shall file objections/counter affidavit.

8.Considering the above aspects of the matter, the fact that the applicant has been acquitted in the case shown in the gang chart, the undertaking given on behalf of the applicant that he will cooperate in the trial, perusal of the record, as also the judgment in Musheer Alam versus The State of U.P. and another 2025 SCC OnLine SC 116, and without entering into the merit of the case, it would be appropriate to grant protection to the applicant.

9.In view of the above, as an interim protection, it is provided that the applicant shall surrender before the trial court within 10 days from the date of receipt of a certified copy of this order. On such surrender, the applicant shall be released on interim anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the trial court.

10.The applicant shall cooperate in the trial and he will not influence the witnesses. The applicant shall not leave India sans previous permission of the Court.

In case of default, it would be open for the trial court to proceed in accordance with law."

Learned counsel for the applicant submits that the applicant has been released on interim anticipatory bail after filing of the personal bonds and two sureties in compliance of the aforesaid order. He has duly cooperated in the investigation. Learned counsel for the applicant has also made statement that in the present case, charge-sheet has been filed. The applicant has not misused the liberty of interim anticipatory bail granted by the Court. He undertakes to cooperate in the trial and in case, he is enlarged on anticipatory bail, he shall not misuse the liberty of same.

Learned A.G.A. opposed the prayer for anticipatory bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

Without expressing any opinion on the merits of the case and considering the nature of accusation; the applicant has not misused the liberty of interim anticipatory bail granted by the Court coupled with the undertaking given by the applicant that he will cooperate in the trial, the interim anticipatory bail granted by the coordinate bench of this Court vide order dated 15.7.2025 is made absolute in view of dictum of Apex Court in re: **Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98.**

It is made clear that in case of breach of any of the conditions mentioned

in the aforesaid order dated 15.7.2025, the court below shall have the liberty to cancel the bail.

In view of the aforesaid, the anticipatory bail application is **allowed**.

(Rajeev Bharti,J.)

March 17, 2026
Shukla