



2026:AHC-LKO:19380

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 429 of 2025**

Vivek Yadav

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Krishna Kumar Vishwakarma, Rishabh
Kapoor
Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the accused-applicant as well as learned Additional Government Advocate for the State and perused the record. None appears on behalf of respondent No. 2, however, the notice is served.

The Co-ordinate Bench of this Court vide order dated 08.05.2025 granted interim anticipatory bail to the applicant. The order dated 08.05.2025 is extracted hereinunder:-

"1. Heard learned counsel for applicant and learned A.G.A. for opposite party-State. Issue notice to opposite party no.2.

2. First anticipatory bail application has been filed with regard to case crime No.113 of 2025, under Section 140(2) BNS, P.S. Sarojini Nagar, District Lucknow.

3. As per contents of first information report, One Manjunath went missing from Lucknow on 21.03.2025 after he reached from Bangalore on flight. It is stated that subsequently a friend of the informant started receiving threatened calls demanding ransom from indicated mobile number from Lucknow.

4. It has been submitted by learned counsel for applicant that he has been falsely implicated in charges levelled against him which could be evident from the fact that neither has he been named by abducted person who was subsequently recovered nor was he apprehended from the site. It is submitted that applicant's name has been nominated only on the basis

of alleged confessional statement of co-accused as the person who escaped when the recovery took place. It is submitted that investigation against applicant is still pending and he undertakes to cooperate in the same.

5. Learned A.G.A. has opposed anticipatory bail application with the submission that it is in fact the applicant who escaped from the site when police recovered the missing person. It is however admitted that investigation is still on going.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it appears that applicant neither named in the FIR nor was he present at the time of recovery and his name appears to have been nominated on the basis of alleged confessional statement of co-accused. He undertakes to cooperate during investigation.

7. Considering the aforesaid facts and circumstances of the case and after perusal of the record, this Court finds it to be a fit case of interim anticipatory bail.

8. Let the accused- Vivek Yadav applicant as an interim measure be enlarged on anticipatory bail in view of the Constitution Bench judgment of Supreme Court in the case of Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98, it would be appropriate to grant interim anticipatory bail to applicant under Section 438 Cr.P.C./482 BNSS.

9. In the event of arrest, the accused-applicant shall be released forthwith in the aforesaid case crime on bail furnishing a personal bond and two sureties of the like amount to the satisfaction of the arresting officer/investigating officer/S.H.O. concerned on the following conditions:-

(i) That the accused-applicant shall make himself/ herself available for interrogation by police authorities as and when required and will cooperate with the investigation;

(ii) That the accused-applicant 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(iii) That the accused-applicant shall not leave India without the previous permission of the Court.

(iv) In case of default, it would be open for the investigating agency to move application for vacation of this interim protection.

Applicant shall made himself available before the Investigating Officer on 14.05.2025 at 02.00 P.M. Learned AGA shall obtain instructions by next date of listing with regard to cooperating of applicant in the investigation.

10. List this case on 22.05.2025, as fresh alongwith service report.

11. Objections may be filed in the meantime."

Learned counsel for the applicant submits that pursuant to the order dated 08.05.2025, the applicant appeared before the Investigating Officer and has been enlarged on interim anticipatory bail. It is submitted that the charge-sheet in the case has already been filed by the prosecution. He submits that the applicant has no criminal history and undertakes to cooperate in the trial. The applicant has not misused the liberty granted to him by this Court.

Learned AGA for the State opposed the prayer of applicant's counsel.

Perused the record.

Upon due consideration of the facts that the liberty granted by this Court has not been misused by the applicant, the charge sheet in the case has been filed so also the undertaking given by the applicant to cooperate in the trial and the fact that applicant has no criminal history and also the observation made by the Hon'ble Supreme Court in **Sushila Aggarwal and Others v. State (NCT of Delhi) and Another, (2020) 5 SCC 1**, the interim protection granted by the Coordinate Bench of this Court vide order dated 08.05.2025 is hereby made absolute.

Accordingly, the application is **allowed**.

March 17, 2026

Vinay/-

(Karunesh Singh Pawar,J.)