



2026:AHC-LKO:20124

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 325 of 2025**

Ankur Srivastava @ Ankur Kumar Srivastava

.....Applicant(s)

Versus

State Of U.P. Thru. District Magistrate

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandra Shekhar Sinha, Akshat Sinha,
Gaurav Verma

Counsel for Opposite Party(s) : G.A.

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

The Co-ordinate Bench of this Court vide order dated 21.3.2025 has passed the following order granting interim anticipatory bail to the applicant:-

"1. Heard learned counsel for applicant and learned Additional Government Advocate appearing on behalf of opposite party no.1.

2. Issue notice to opposite party no.2

3. First Anticipatory Bail Application has been filed with regard to Case Crime no.199 of 2023 under Sections 506, 420, 409 I.P.C. P.S. Gomti Nagar, District Lucknow.

4. As per contents of first information report, allegations have been levelled against applicant and co-accused of having defrauded informant due to a false promise of allotment of plot in lieu of which amount was also taken by applicant and co-accused on 24.08.2013, without subsequent allotment of any plot.

5. It has been submitted that applicant has been falsely implicated in the charges levelled against him inasmuch as there is no allegations levelled specifically against applicant of having made any such promise for allotment of plot in lieu of money advanced. It is submitted that there is also no allegation that applicant specifically took the amount from informant. Learned counsel for applicant further submits that there is absolutely no cogent explanation provided for lodging of first information report after ten years of the alleged transaction. Previous criminal history of 62 cases pertaining to similar transaction has been indicated in paragraph 19 of the affidavit filed in support of the application in which applicant has been enlarged on bail in all the cases.

6. Learned counsel has also adverted to statement of informant recorded under Section 161 Cr.P.C. to

submit that primary allegation has been levelled against one Ashish Srivastava and Manish Srivastava and informant admits that names of other persons including applicant has been included in first information report on the basis of advice of counsel.

7. Learned Additional Government Advocate has opposed bail application with submission that previous criminal history of 62 cases clearly indicates involvement of applicant in allegations levelled against him.

It is submitted that criminal history is also pertaining to similar cases.

8. It is submitted that investigation however is ongoing.

9. Upon consideration of submissions advanced by learned counsel for the parties and perusal of material on record, prima facie, subject to further evidence being collected during investigation, it appears that there is no cogent explanation for delay of ten years in lodging first information report. There also does not appear to be any specific allegation of any false promise or deceit being made against applicant either in first information report or even in statement recorded under Section 161 Cr.P.C. Previous criminal history of applicant has been explained as indicated herein above. Thus, in view of law settled by Hon'ble the Supreme Court in Sushila Aggarwal and others versus State (NCT of Delhi) and another (2020)5 SCC 1, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C.

10. List this case on 09.04.2024 along with service report.

11. Objections may be filed in the meantime.

12. In view of above, interim anticipatory bail is granted to applicant providing that in the event of arrest, applicant Ankur Srivastava @ Ankur Kumar Srivastava shall be released on bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the arresting officer/I.O./S.H.O. concerned subject to following conditions:-

13. The applicant shall cooperate in the investigation and he will not influence the witness. The accused-applicant will remain present as and when the arresting officer/I.O./S.H.O. concerned call(s) for investigation/interrogation. The applicant shall not leave India without previous permission of the Court.

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

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. Charge-sheet in the case has already been filed. He 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 so also the fact that charge-sheet in the case has already been filed, 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 21.3.2025 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 during bail, in case the applicant commits any offence, 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 19, 2026

Shravan