



2026:AHC:62384

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 1965 of 2026**

Nagendra Tiwari And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	K.K. Rao, Santosh Kumar Pandey, Sarvjeet Singh Chauhan
Counsel for Opposite Party(s)	:	Ashish Kumar, G.A., Gaurang Kulshreshtha

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Mr. K.K. Rao and Mr. Santosh Kumar Pandey, learned counsel for the applicants, Mr. B.P. Singh, learned A.G.A. for the State and perused the record. However, none appeared for the informant.
2. On 18.03.2026, the matter was taken up and it was directed to be listed in top twenty cases on 20.03.2026 as fresh.
3. The present application has been moved seeking anticipatory bail in Complaint Case No. 3014 of 2024 (Himkar Tiwari versus Jagan Pathak and Others) under Sections 420, 120B, 467, 468 and 471 of I.P.C., Police Station-Mahavan, District-Mathura pending before the learned Civil Judge (S.D.), F.T.C./ACJM, Mathura, with the prayer that in the event of arrest, applicant may be released on bail.
4. It has been argued by the learned counsel for the applicants that civil dispute has been given the colour of criminality and no allegations levelled against the applicants have been made out. It is further submitted that the present case arises out of a dispute with regard to election and administration of the Committee of Management. 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. On the other hand, learned A.G.A. has opposed the application for anticipatory bail.

6. 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.

7. 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.

8. The anticipatory bail application is allowed.

9. In the event of arrest of the applicant nos. 1, 2, 3 & 4, namely, Nagendra Tiwari, Deen Dayal Pachauri, Vishan Chand Paarasar, Rajendra Prasad Upadhyay involved in the aforesaid case crime shall be released on anticipatory bail on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, 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.

10. 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.

March 20, 2026
SY

(Jitendra Kumar Sinha,J.)