



2026:AHC-LKO:21523

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1755 of 2025**

Rajesh Chander Rathore @ Khanna

.....Applicant(s)

Versus

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

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mahesh Kumar Sharma, Anil Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. This Court by its order dated 20.11.2025 has passed an order granting ad interim anticipatory bail to the applicant by issuing notice to respondent no. 2. For convenience, the order is quoted hereinbelow:-

"1. Supplementary affidavit filed today is taken on record.

2. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

3. The present application has been filed under Section 482 of BNSS seeking anticipatory bail apprehending arrest in FIR No.490 of 2025, under Sections 69, 123, 351(3), BNS, P.S. PGI, District Lucknow.

4. Learned counsel for the applicant argues that in terms of FIR it was alleged that husband of the informant had died. Subsequently she met the applicant and thereafter physical relation were formed on false pretext of marriage. The tentative age of the victim is around 36 years.

5. Learned A.G.A. vehemently opposed the bail prayer.

6. Considering the fact that the relationship were formed on various occasions for more than 2 years, prima facie, case for grant of anticipatory bail is made out. Accordingly, the anticipatory bail application is allowed.

7. In the event of arrest, let the applicant Rajesh Chander Rathore @ Khanna be released on anticipatory bail in the abovesaid first information report number till submission of the charge-sheet on his furnishing personal bond of Rs 5000/- to the satisfaction of the Investigating Officer concerned with the following conditions:

(i) The applicant shall make himself available for interrogation by a police officer as and when

required and will co-operate with investigation;

(ii) The 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 from disclosing such facts to the Court or to any police officer and

(iii) The applicant shall not leave India without the previous permission of the Court.

8. Issue notice to respondent no.2 returnable at an early date.

9. Steps be taken within two weeks.

10. List this case after six weeks. "

3. As per office report dated 09.01.2026, notice has been served upon respondent no. 2 in person but till date no counsel has put in appearance on her behalf.

4. Learned AGA has submitted that he has filed counter affidavit which is on record. It is further submitted that the applicant has previous criminal history of three cases, one is registered as Case Crime No. 66/2019, under Sections 376A, 504 & 506 IPC read with Section 3(2)(v) of SC/ST Act and Section 3/4 of POCSO Act; the second one is registered as FIR No. 637/2020, under Sections 379, 504 & 506 IPC and the third one is registered as case crime no. 417/2024 under Sections 504, 506 IPC at Police Station PGI, District Lucknow, in which final reports have been filed.

5. Learned counsel for the applicant has submitted that the respondent no. 2 has executed a registered agreement to sell of land on 01.02.2023 in favour of the applicant and subsequently on 01.09.2025, she had executed an agreement to sell with some other person for the same land. Aggrieved by the same, the applicant has made an application before the Deputy Commissioner (South), Police Commissionerate, Lucknow on 06.09.2025. On the application of the applicant, respondent no. 2 and her real sister, who is also signatory to the agreement was called by the Police. The sister of the respondent no. 2 appeared before the police and her statement was recorded, where she had accepted that her sister has executed an agreement to sell of the same land in favour of some other person. The I.O. submitted report mentioning therein that the respondent no. 2 had not co-operated whereas her sister has co-operated in the investigation.

6. It is further submitted that after recording of the statement of sister of respondent no. 2 on 21.09.2025, the respondent no. 2 has lodged an FIR on 28.09.2025 against the applicant as counter blast, just to falsely implicate the applicant in the present case and specific averments have been made in paragraphs 21, 22 & 23 of the affidavit filed along with the present Anticipatory Bail Application. The applicant is a permanent resident of Lucknow and there is no chance of absconding.

7. On being asked from learned AGA as to what is the reply given in the counter affidavit to the aforementioned paragraphs, he has submitted that simply it has been denied and has further stated in the counter affidavit that there was some agreement entered into between the parties. Simple denial of averments made by the applicant on affidavit supported by a documentary evidence without denying or disputing the said documentary evidence in the counter affidavit amounts to acceptance of averments made in the paragraphs under reply.

8. In view of the facts and circumstances mentioned hereinabove, the FIR lodged by the respondent no. 2 prima facie appears to have been lodged as counter blast just to pressurise and harass the applicant. The interim anticipatory bail order is hereby confirmed in the light of judgment passed in the case of **Musheer Alam Vs. The State of Uttar Pradesh and Anr. [(2025) SCC Online SC 116]**, wherein it has been held that there is a practice in the State of Uttar Pradesh that arrest is effected after the charge-sheet is filed and on that unusual practice, the Court do not want to make any comment except that it makes no sense and as the investigation is over and charge-sheet is filed, the accused was asked to appear before the court concerned and should furnish bail to the satisfaction of the trial court and there is no point in making formal arrest. The relevant paragraph nos. 8 & 9 of the judgment in the case of Musheer Alam (supra), reads as under:-

"8. The learned counsel appearing for the petitioner would submit that there is a practice in the State of Uttar Pradesh that arrest is effected after the charge-sheet is filed and the Court takes cognizance of the charge-sheet. We do not propose to say anything as regards in this unusual practice except that it makes no sense.

9. We are of the view that once the investigation is over and charge-sheet is filed then the accused should be asked to appear before the Court concerned and should furnish bail to the satisfaction of the trial court."

9. Upon due consideration of the aforesaid, the present anticipatory bail application is hereby **allowed** while extending anticipatory bail to the applicant- Rajesh Chander Rathore @ Khanna till disposal of the trial by appearing before the court concerned and should furnish bail bonds and sureties to the satisfaction of the trial/concerned Court, subject to the following conditions:-

(i) that the applicant shall make himself available for interrogation by a police officer as and when required and shall not abscond;

(ii) that the 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;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicant shall not pressurize/intimidate the prosecution witness.

10. In case of default, it would be open for the Investigating Agency to move application for vacation of this order.

March 25, 2026

Nitesh

(Manish Kumar,J.)