



2026:AHC:126306

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5378 of 2026

Ramesh Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anjali Rai, Anurag Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Sri O.P. Rai, Advocate holding brief of Sri Anjali Rai, learned Counsel for the applicant, learned Additional Government Advocate for the State and perused the records.

2. The present application has been filed on behalf of the applicant in Case Crime No.0053 of 2026, under Sections 318 (4), 338, 336 (3), 340 (2) and 61 (2) BNS at Police Station-Jarcha, District Gautam Buddha Nagar with a prayer to grant him on anticipatory bail.

3. Learned Counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He further submitted that the applicant is neither the beneficiary nor a marginal witness to the alleged sale deed. The role assigned to the applicant is merely that he was present with the co-accused and committed cheating against the first informant. He further submitted that there is no evidence against the applicant in support of the allegations constituting the offence. It is also submitted that, in the event the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and shall comply with all the conditions imposed by this Court.

4. Per contra, learned AGA has vehemently opposed the anticipatory bail application.

5. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and**

another reported in **(2020) 5 SCC1**, the Hon'ble Apex Court has settled the law on the subject finally by holding that the anticipatory bail need not be of limited duration invariably. In appropriate case, it can continue upto conclusion of trial.

6. It has been further held by the Hon'ble Supreme Court that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant anticipatory bail or not is a matter of discretion.

7. Considering the settled principles of law regarding anticipatory bail, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, in my view, it is a fit case for anticipatory bail to the applicant till the end of trial.

8. The application is **allowed** accordingly.

9. In the event of arrest, the applicant shall be released on bail. Let the applicant, **Ramesh Kumar** involved in the aforesaid crime be released on anticipatory bail till the conclusion of trial on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

(1). The applicant shall not leave the country during the pendency of trial without prior permission from the concerned trial Court.

(2). The applicant shall surrender his passport, if any, to the concerned Court forthwith. His passport will remain in custody of the concerned Court.

(3). 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 from disclosing such facts to the Court or to any police officer;

(4). The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.

(5). In case, the applicant misuses the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of *Sushila Aggarwal vs. State (NCT of Delhi)-2020 SCC Online SC 98*.

(6). The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

10. In default of any of the conditions, concerned court shall be at liberty to cancel the anticipatory bail granted to the applicant.

(Sanjiv Kumar,J.)

June 8, 2026

Amit