



2025:AHC:178268

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 947 of 2022**

Sushil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Kamal Singh, Satyendra Narayan Singh,
Tarun Kumar Sharma
Counsel for Opposite Party(s) : G.A.

Court No. - 73

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Sri Shatruhan Yadav, learned AGA for the State apprised the Court that he has received the instructions, therefore, instant anticipatory bail application may be finally disposed off.
3. Heard Sri Satyendra Narayan Singh, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.
4. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 678 of 2018, under Sections 420, 467, 468, 471 IPC and Section 13(1)(a) read with Section 13(2) P.C.Act, Police Station Kotwali, District Mathura with a prayer to enlarge him on anticipatory bail during trial.
5. Learned counsel for applicant submits, applicant was not named in the FIR and during investigation he has been made accused on the basis of false allegation. He further submits, when applicant came to know that he has been made accused in the present matter then he approached this Court in Criminal Misc. Writ Petition No. 16212 of 2020 and this Court on 25.01.2021 directed that applicant shall not be arrested till submission of police report under Section 173(2) Cr.P.C.
6. He further submits, pursuant to the order dated 25.01.2021 passed by Division Bench of this Court during investigation applicant has not been

arrested but now charge-sheet has been filed. He further submits, after submission of the charge-sheet applicant filed instant anticipatory bail application in the year 2020 but unfortunately till date it could not be decided.

7. He further submits, as during investigation applicant was duly protected and there is no allegation that he did not cooperate with the investigation, therefore, he may be released on anticipatory bail till trial.

8. He further submits, applicant is having apprehension that if he will appear before the court concerned then he will be sent to jail.

9. He further submits, even co-accused persons Jitendra Singh and Lalit Kumar Saraswat, who were named in the FIR have been released on anticipatory bail by the co-ordinate Bench of this Court vide orders dated 17.04.2023 and 26.05.2022 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. Nos. 203 of 2023 and 4319 of 2022 respectively and case of applicant is at better footing than them.

10. Per contra, learned AGA opposed the prayer for anticipatory bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

11. I have heard learned counsel for the parties and perused the record of the case.

12. However, as per allegation, applicant along with other accused persons committed forgery and cheating but it reflects, he was not named in the FIR and during investigation he was made accused in the present matter.

13. Further, during investigation applicant was not arrested pursuant to the order passed by the Division Bench of this Court and now charge-sheet has been filed and after submission of the charge-sheet custodial interrogation of the applicant is not necessary.

14. Further, apprehension of arrest raised by the applicant cannot be ruled out.

15. Further, two co-accused Jitendra Singh and Lalit Kumar Saraswat, who were named in the FIR have been released on anticipatory bail and case of applicant is at better footing than them.

16. Further, applicant is not having any criminal history.

17. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on anticipatory bail till conclusion of trial.

18. Accordingly, without expressing any opinion on the merits of the case, the instant anticipatory bail application is **allowed**.

19. In the event of arrest of the applicant- **Sushil Kumar** involved in the aforesaid case crime number, shall be released on bail till the conclusion of trial on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Presiding Officer/Court Concerned, with the conditions:-

- i. 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 or tamper with the evidence;
- ii. that the applicant shall not leave India without previous permission of the court;
- iii. that the applicant shall not tamper with the evidence during the trial;
- iv. that the applicant shall not pressurize/ intimidate the prosecution witness;
- v. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

20. In case of breach of any of the above conditions, the court concerned shall have the liberty to cancel the bail granted to the applicant.

21. It is made clear that observations made in granting anticipatory bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

October 8, 2025
AK Pandey

(Sameer Jain,J.)