



2025:AHC:179788

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 10201 of 2023**

Ujjwal Ambesh @ Ujjawal Ambesh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anshu Chaudhary, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE SAMEER JAIN, J.

1. Sri Ashutosh Singh, learned AGA for the State apprised the Court that he has received the instructions, therefore, instant anticipatory bail application may be finally disposed off.
2. Heard Sri V.P. Srivastava, learned Senior Advocate assisted by Sri Anshu Chaudhary, learned counsel for the applicant and Sri Ashutosh Singh, learned AGA for the State.
3. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 2911 of 2007, under Sections 409, 420, 467, 468, 471, 120B IPC and Section 13(1)D read with Section 13(2) P.C. Act, Police Station Kotwali , District Bareilly with a prayer to enlarge him on anticipatory bail during trial.
4. Learned counsel for the applicant submits, applicant was informant of the case and he lodged FIR against co-accused Rakesh Gangwar that he committed the offence of misappropriation by committing forged signature of the applicant on the cheques but during investigation he has been made accused in the present matter.
5. He further submits, it is quite surprising that FIR of the present case was lodged in the year 2007 but till date with regard to the applicant investigation could not be completed.
6. He further submits, when applicant approached this Court in the year 2023 and filed instant anticipatory bail application then this Court after

considering the entire facts of the case on 13.10.2023 directed that no coercive action shall be taken against the applicant and thereafter by time to time interim order granted in favour of applicant has been extended. He further submits, now there is no occasion to send the applicant behind the bar.

7. He further submits, applicant is having apprehension that if he will not be released on anticipatory bail then he will be arrested. He further submits, applicant is not having any criminal history.

8. 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.

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

10. From the record, it reflects, FIR of the present case was lodged by the applicant himself in the year 2007 but during investigation he has been made accused. Further, when he filed instant anticipatory bail application in the year 2023 then this Court passed a direction that no coercive action shall be taken against the applicant.

11. Further, however, FIR of the present case was lodged in the year 2007 but surprisingly investigation with regard to the applicant is still pending and considering the facts of the case, this Court finds merit in the argument advanced by learned counsel appearing on behalf of applicant that after such long gap there is no occasion to send the applicant behind the Bar.

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

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

14. 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.

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

16. In the event of arrest of the applicant- **Ujjwal Ambesh @ Ujjawal**

Ambesh 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;

17. 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.

18. 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.)