



2025:004 - 1 K03:29750

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2023 of 2025**

Swapnil Diwedi

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Akshay Kumar Singh, Akhilendra
Pratap Singh, Palak Jawa

Counsel for Opposite Party(s): G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Present anticipatory bail application has been filed in Case Crime No. 949 of 2025 under Section 3(1)/2(1)(b)(11) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Sushant Golf City, District Lucknow South.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State, and perused the record.

Learned counsel for the applicant submits that in the gang chart, two cases have been shown against the applicant, in both of which he has already been enlarged on bail. The bail orders are on record as Annexure Nos. 4 and 5 to the bail application. It is further submitted that, out of the two cases, so far as Crime No. 164 of 2022 is concerned, while granting bail the Court has observed that two prosecution witnesses, including the injured witness, have not supported the prosecution case and have turned hostile. It is also submitted that since the year 2023, the applicant has no criminal history. The essential ingredients to attract the offence under Section 3(1)/2(1)(b)(11) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 are, therefore, missing. It is further submitted that the applicant is ready to furnish an undertaking in compliance with the requirement of Section 19(4)(b) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986. It is also submitted that

there is no likelihood of the applicant fleeing from the course of justice or tampering with the prosecution witnesses, and in case the applicant is enlarged on bail, he undertakes not to misuse the liberty of bail. Learned Additional Government Advocate has opposed the prayer made by learned counsel for the applicant and has submitted that the investigation in the present case is still ongoing. Perused the record as well as the gang chart.

A perusal of the gang chart prima facie shows that the same appears to have been prepared in violation of Rule 5(3)(a) of the U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021, as no joint meeting of the district authorities appears to have been conducted, coupled with the fact that since the year 2023, the applicant has no criminal history. Thus, in view of the aforesaid facts and circumstances, as also considering the judgment of the Hon'ble Supreme Court in Sushila Aggarwal and Others vs. State (NCT of Delhi) and Another, (2020) 5 SCC 1, and without expressing any opinion on the merits of the case, this Court finds it appropriate to extend the protection of anticipatory bail to the applicant.

In view of the above, it is provided that in the event of arrest, the applicant shall be released on anticipatory bail in the aforesaid Case Crime number on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the arresting officer/investigating officer/S.H.O. concerned with the following conditions:-

The applicant shall report to the investigating officer within twenty days' from today. He shall cooperate in the investigation and he will not influence the witness.

The accused-applicant will remain present as and when the arresting officer/I.O./S.H.O. concerned call(s) for investigation/interrogation.

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

The application is **allowed**.

December 16, 2025
Madhu D.R/P.S

(Karunesh Singh Pawar,J.)