2026:AHC:209607

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 5052 of 2026

Santosh Kumar Chaudhary

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Bipin Kumar Rao, Indra Deo Mishra, Komal Singh
Counsel for Opposite Party(s)	:	G.A., Sanjay Dwivedi

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Shri Indra Deo Mishra, learned counsel for the applicant, Sri Sanjay Dwivedi, learned counsel for the Union of India, learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicant in Case Crime No. 123 of 2026, under Sections 419, 420, 467, 468, 471 of I.P.C. and Section 12(1)(b) of the Passport Act, P.S. Gagaha, District Gorakhpur, with a prayer to grant him anticipatory bail.

3. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the alleged offence; in spite of that, the police are trying to arrest the applicant. It is further contended that, as per the prosecution case, the applicant has obtained two passports by misleading and manipulating the documents. In fact, the second passport was never used by the applicant, and the same has been impounded by the passport department. As per the provision under Section 15 of the Passport Act, 1997, no prosecution would be launched against any person without the previous sanction of the Central Government. The FIR has been wrongly lodged against the applicant on 22.03.2026 in respect of the alleged incident committed between 17.03.2017 and 19.04.2022. It is further contended that after due investigation, Sections 467, 468, 471 of I.P.C. have been dropped by the investigating officer and the chargesheet was submitted

under Sections 419, 420 of I.P.C. readwith Section 12(1)(b) of the Passport Act. The applicant has cooperated in the investigation and he was not arrested during course of investigation, therefore, there is no requirement of custodial interrogation of the applicant. Learned counsel for the applicant lastly contended that the applicant undertakes to cooperate during trial and shall appear as and when required by the court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail, shall cooperate with the trial, and shall abide by all the conditions that may be imposed by the court.

4. On the other hand, learned A.G.A. as well as learned counsel for the Union of India have opposed the application for anticipatory bail, however, they do not dispute the factual aspect.

5. I have heard rival submissions of the learned counsel for the parties and perused the records.

6. The chargesheet has already been submitted in this case and there is no allegation against the applicant that he did not cooperate with the investigation. There is no requirement of custodial interrogation of the applicant.

7. In **Aman Preet Singh v. CBI, (2022) 13 SCC 764,** the Hon'ble Apex Court has held that :

> *"11. A reading of the aforesaid shows that it is the guiding principle for a Magistrate while exercising powers under Section 170CrPC which had been set out. The Magistrate or the Court empowered to take cognizance or try the accused has to accept the charge-sheet forthwith and proceed in accordance with the procedure laid down under Section 173CrPC. It has been rightly observed that in such a case the Magistrate or the Court is required to invariably issue a process of summons and not warrant of arrest. In case he seeks to exercise the discretion of issuing warrants of arrest, he is required to record the reasons as contemplated under Section 87 Cr.P.C that the accused has either been absconding or shall not obey the summons or has refused to appear despite proof of due service of summons upon him. In fact the observations in sub-para (iii) above by the High Court are in the nature of caution.*

> *12. In sofar as the present case is concerned and the general principles under Section 170Cr.P.C, the most apposite observations are in sub-para (v) of the High Court judgment in the context of an accused in a non-bailable offence whose custody was not required during the period of investigation. In such a scenario, it is appropriate that the accused is released on bail as the circumstances of his having not been arrested during investigation or not being produced in custody are itself sufficient to entitle him to be released on bail. The rationale has been succinctly set out that if a person has been enlarged and free for many years and has not even been arrested during investigation, to suddenly direct his arrest and to be incarcerated merely because charge-sheet has been filed would be contrary to the governing principles for grant of bail. We could not agree more with this."*

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, in my view, it is a fit case for anticipatory bail to the applicant till conclusion of trial in the matter.

9. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest/appearance of the applicant- **Santosh Kumar Chaudhary** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on his furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the court concerned.

(ii) The applicant shall co-operate during trial and shall report to the court concerned as and when required for the purpose of fair trial.

(iii) 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; and

(iv) The applicant shall not leave India without the previous permission of

the Court.

10. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

(Vivek Kumar Singh,J.)

October 7, 2026
A.P. Pandey

Digitally signed by :-
ANAND PRAKASH PANDEY
High Court of Judicature at Allahabad