2026:AHC:227374

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 5941 of 2026

Dilip Patel @ Rinku Patel

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prabha Upadhyay, Raghvendra Pratap Rajan, Vidit Narayan Mishra
Counsel for Opposite Party(s)	:	Amarnath Tripathi, G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Vidit Narayan Mishra, learned counsel for the applicant, Shri Amarnath Tripathi, learned counsel for the informant, 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.32 of 2026, under Sections 318(4), 319(2), 336(3), 338, 340(2), 61(2) BNS, Police Station-Rohaniya, District Varanasi, 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 submitted that the applicant is not named in the FIR, which was lodged against four persons including the co-accused Subham Prajapati, and Anurag Shukla. The applicant is not the beneficiary of the sale deed in question nor he is the vendor or the vendee of the sale deed. Co-accused Subham Prajapati and Anurag Shukla were shown to be marginal witnesses of the sale deed in question. They have been enlarged on anticipatory bail by a co-ordinate Bench of this court vide order dated 15.07.2026 in NABAIL No.5719 of 2026. The

first information report was initially lodged for offences under section 318(4) of the BNS, however, later on, the other sections have also been added in the case. In so far as the role of the applicant is concerned, it is alleged that a bank account in the name of the informant was opened by the applicant and an amount of Rs.30 Lakhs have been misappropriated by the applicant and other co-accused. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or 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 investigation, 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 informant have opposed the application for anticipatory bail and have contended that a fake sale deed was executed in conspiracy by the applicant with the other co-accused. The informant is a differently abled person, not able to take care of himself and taking advantage of this fact, his property was transferred and his thumb impression was obtained under the guise of getting him 'Divyang Pension' by the accused persons.

5. I have heard the rival submissions of both sides and perused the record.

6. The applicant is not named in the first information report; no specific role has been assigned to him; the other co-accused Shubham Prajapati and Anurag Shukla, who were marginal witnesses of the sale deed in question, have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 15.07.2026.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held 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 or not is a matter of discretion.

8. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

9. Considering the settled principle 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 on merits, a case for anticipatory bail is made out.

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

(i) In the event of arrest of the applicant- Dilip Patel @ Rinku Patel, 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 Station House Officer of the police station or the court concerned;

(ii) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(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/her from disclosing such facts to the Court or to any police officer; and

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

11. 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.)

November 2, 2026
Nitendra

Digitally signed by :-
NITENDRA TIWARI
High Court of Judicature at Allahabad