HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 7340 of 2026

Manish Thakur Alias Raja Thakur

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	G.S.Chauhan, Manoj Kumar Sahu
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, 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. 226 of 2025, under Sections 109(1), 352, 351(3) of B.N.S., P.S. Badagaon, District Jhansi, with a prayer to grant him anticipatory bail.

3. Supplementary affidavit dated 28.09.2026 explaining the criminal history of the applicant has been filed, which is on record.

4. From perusal of the supplementary affidavit dated 28.09.2026, it is manifest that the criminal antecedent of the applicant has been satisfactorily explained, therefore, the order dated 16.09.2026 vacating the interim order is hereby recalled.

5. 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 and in spite of that the police are trying to arrest the applicant. No offence under Section 109(1) of the BNS is made out. This is a case involving no injury. The learned counsel for the applicant further contends that the applicant had been granted interim protection from arrest by this Court by the order dated 19.11.2025 passed in Criminal Misc. Writ Petition No. 24207 of 2025. After submission of the police report, the applicant had challenged the charge sheet and the

entire proceedings before this Court; however, this Court in NA528 No. 15793 of 2026 dismissed the said application, after which the applicant filed his application for anticipatory bail. The criminal antecedents of three cases have been explained in paragraph no. 3 of the supplementary affidavit dated 28.09.2026. It is further contended that the similarly situated co-accused Pushpendra Pal @ Narendra Pal, Bhanu Pratap Rajpoot and Bharat Rajpoot have been granted anticipatory bail by this Court in NABAIL Nos. 5837 of 2026, 5910 of 2026 and 5843 of 2026, respectively. The case of the applicant stands on a similar footing to that of the co-accused. 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.

6. On the other hand, learned A.G.A. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

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

8. 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.

9. 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."

10. 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.

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

(i) In the event of arrest/appearance of the applicant- **Manish Thakur Alias Raja Thakur** 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.

12. 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 23, 2026
A.P. Pandey

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