HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9017 of 2026

Sushil Kumar And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Ravi Shankar Mishra, Sumit Goyal
Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicants, the Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.187 of 2026, under Sections 279, 504, 506, 270, 420, 467, 468, 471, 120B I.P.C. and Section 2/3 of Prevention of Damage to Public Property Act, P.S.- Mirzapur, District- Saharanpur, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.

3. Learned counsel for the applicants has contended that the applicants have been falsely implicated in the present case. The allegations against the applicants in the FIR in brief are that the applicants were running a Stone Crusher which was dismantled after being found in violation. The applicants, by concealing the dismantling of the previous crusher by forging documents, restarted the said crusher in the name and style of Amrit Construction Stone Crusher. Learned counsel has further submitted that due to the illegitimate activity of the applicants, hundred people supposedly suffered from tuberculosis and other serious diseases. Learned counsel for the applicants, relying upon a report of the Additional District Magistrate (F & R), Saharanpur addressed to the District Magistrate, Saharanpur dated 20.03.2026, where after due inquiry, it was found that tuberculosis cannot be contracted through air pollution and the same is caused due to a bacteria. It was also found that all the relevant paperwork of the applicants was in order. The stone crusher was operating at a

different place from the earlier stone crusher and the entire allegations made were found to be baseless. Learned counsel has submitted that failing to destroy the business of the applicants by making complaints, the informant then chose to lodge the FIR against the applicants and seven other named accused. The applicants have a criminal history of two other cases and in one case, a final report has been submitted and in another case, interim order has been granted in favour of the applicant No.1 by a Division Bench of this Court in **Criminal Misc. Writ Petition No. - 18315 of 2026.**

4. Learned A.G.A. has opposed the prayer for grant of anticipatory bail but does not dispute the factual submissions made by the Learned counsel for the applicants.

5. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

6. The report of the Additional District Magistrate (F & R) addressed to the District Magistrate, Saharanpur dated 20.03.2026 deals with the same allegations that appear in the F.I.R. The allegations in the report were found to be baseless. Even otherwise, the fact that the stone crusher led to villagers contracting tuberculosis or other serious diseases is not supported by any medical evidence. The report also falsifies the allegation of the first information report regarding the earlier stone crusher being restarted by the applicants by concealing material fact and forging papers. The license granted to the applicants to run the stone crusher has not yet been cancelled. In the opinion of the Court, running a legitimate business for which the applicants have been granted a license cannot amount to a criminal offence. Nothing has been pointed out to indicate that any forgery has been committed by the applicants.

7. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicants on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**.

9. In the event of the arrest of the applicants - **Sushil Kumar and Mandeep**, they shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each in the like

amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicants shall make themselves available for interrogation by a police officer as and when required;

ii. that the applicants 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 them from disclosing such facts to the Court or to any police officer;

iii. that the applicants shall not leave India without the previous permission of the Court;

iv. that the applicants shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 24, 2026
Sachin

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