2026:AHC:207921

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9840 of 2026

Ravi Shankar Rai

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anoop Bhaiya Lal Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for the applicant as well as learned AGA and perused the material available on record.

2. The present Anticipatory Bail Application has been filed with the prayer to grant anticipatory bail to the applicant - **Ravi Shankar Rai** in Case Crime No. 05 of 2020 under Sections 409, 467, 468, 471, 477A, 120B, 34 I.P.C. and Section 13(2) of Prevention of Corruption Act, Police Station - Varanasi Sector (E.O.W.), District - Varanasi.

3. It is submitted by learned counsel for the applicant that applicant was Block Development Officer. It is submitted that in respect of incident of 2004-05 with regard to preparation of fake muster roll in the Sampurna Gramin Rozgar Yojana, First Information Report has been lodged in the year 2020. It is submitted that investigation is going on and the applicant is co-operating with the investigating authorities. Applicant has been falsely implicated in the case. There exist no justification for proceeding against applicant. No evidence is found linking the applicant with aforesaid crime. The criminal history of the applicant has been explained in paragraph no. 20 of the affidavit. It is further submitted by learned counsel for applicant that applicant is innocent and has no concern with the present matter. Allegations levelled against the applicant are false. No prima facie case is made out against the applicant. If the applicant is enlarged on anticipatory bail, he will not misuse the liberty and cooperate with the investigation. The applicant has apprehension of his arrest by the

police any time.

4. Learned A.G.A. opposed the prayer but does not dispute the factual matrix.

5. It is not shown by learned AGA that the offence in question will have impact on society at large. It is not shown that act causes harm to the society. The accusations arise out of dispute between individuals. It is not shown by learned AGA that the nature and gravity of allegations are such that the same would disentitle the applicant for relief of anticipatory bail. Learned AGA has not raised concern that any prejudice would be caused to free, fair and full investigation in the event the applicant is granted anticipatory bail. No material, facts, circumstances or concern been shown by learned AGA for the State that the accused may tamper with the evidence or witnesses or accused is of such character that his mere presence at large would intimidate the witnesses or that accused will use his liberty to subvert justice or tamper with the evidence.

6. Learned AGA for the State has pointed out the criminal antecedents of the applicant. No material or circumstance has been brought to the notice of this Court with regard to tampering of evidence or intimidating of witness in previous criminal cases.

7. In **Ash Mohammad Vs. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para 30 has observed:-

"We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked."

8. In the case of **Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648**, the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

9. In so far as criminal antecedents of the applicant is concerned, it is not

the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. If the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

10. It is settled principle of law that the object of bail is to secure the attendance of the accused. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

11. In view of the above, the applicant is granted anticipatory bail in respect of offence described in para 2 of the present order. In the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond of **Rs.25,000/-** with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall make himself available for interrogation by a police office as and when required.

(ii) 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 or to any police office.

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

(iv) In the event, the applicant changes residential address, the applicant shall inform the court concerned/Investigating Officer about new residential address in writing.

(v) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

(vi) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

(vii) The applicant shall maintain law and order.

(viii) The applicant shall at the time of execution of the bond, furnish his address and mobile number to Investigating Officer, and the court concerned.

(ix) The applicant shall regularly remain present during the trial, and cooperate with the Court to complete the trial for the above offences.

(x) Non presence of the applicant or his counsel before the court concerned shall be construed as violation of the present order and the court concerned would be at liberty to take coercive measures in accordance with law.

12. In case of default of any of the conditions, the Investigating Officer shall be at liberty to file appropriate application for cancellation of protection granted to the applicant.

13. With the directions made above, the anticipatory bail application stands **allowed**.

(Vikram D. Chauhan,J.)

October 5, 2026
VMA

Digitally signed by :-
VISHWA MOHAN ARORA
High Court of Judicature at Allahabad