HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10175 of 2026

Sandeep Jaishwal And 2 Others

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Avanish Kumar Upadhyay, Raj Kumar Upadhyay

Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

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

2. The present application has been filed on behalf of the applicants in Case Crime No.358 of 2026, under Sections 318(4), 338, 336(3), 340(2), 115(2), 352, 351(3) BNS, Police Station Cantt Commissionerate, District Varanasi, with a prayer to grant them anticipatory bail.

3. Learned counsel for the applicants submits that the applicants are absolutely innocent and have been falsely implicated in the present case; they have nothing to do with the alleged offence in spite of that the police are trying to arrest the applicants. As per the prosecution case, a litigation was going on between the informant and co-accused Satish Kumar. The co-accused Satish Kumar executed an agreement to sell on 12.05.2026 whereon the applicant no.1, Sandeep Jaishwal was one of the marginal witness. After some time, a sale deed was executed by co-accused Satish Kumar Singh in favour of the co-accused Bharat Lal on 05.03.2026. The applicant no.2-Chitrasen and the applicant no.3-Suresh Singh, were marginal witnesses of the sale deed dated 05.03.2026. It is further submitted that a civil dispute between the parties has been wrongly and illegally converted into criminal offence. The charge-sheet against co-accused Satish Kumar Singh has been submitted under Sections 318(4), 351(3), 352 BNS which are punishable below 7 years of imprisonment.

The investigation against the present applicant is going on. It is further contended that no offence whatsoever is made out against the present applicants. The criminal antecedents of the applicants have been explained in paragraph nos. 19 and 20 of the affidavit. Learned counsel for the applicants further submits that the applicants undertake 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 applicants are granted anticipatory bail, they 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. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

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

6. 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.

7. 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.

8. Considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicants and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

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

(i) In the event of arrest of the applicants- Sandeep Jaishwal, Chirasen Singh, and Suresh Singh, involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on their furnishing 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 applicants 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 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 him from disclosing such facts to the Court or to any police officer; and

(iv) The applicants 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 applicants, before the concerned court.

(Vivek Kumar Singh,J.)

October 24, 2026
Nitendra

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