2026:AHC:211198

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9831 of 2026

Akshay Gupta

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Aditya Narayan Shukla, Sheshadri Trivedi

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

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Learned counsel for the applicant is permitted to make necessary correction in the prayer clause, during the course of the day.

2. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

3. The present application has been filed on behalf of the applicant in Case Crime No.07 of 2025, under Sections 467, 468, 471, 420, 255, 120B of the I.P.C., Police Station - Civil Lines, District Meerut, with a prayer to grant him anticipatory bail.

4. 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 which the police are trying to arrest him. It is further contended that initially, an FIR, registered as Case Crime No. 166/2024, was lodged against co-accused Vishal Verma. During the course of the investigation, the applicant was made an accused, and the charge-sheet was submitted against him on 27.06.2025. After the submission of the charge-sheet, the Investigating Officer continued the investigation, and some evidence was collected by him in the aforesaid case. On the basis of that investigation, the applicant has been made an accused in the present case. He is not named in the present FIR. The FIR was lodged against co-accused Vishal Verma. The main allegation has been levelled against the

named co-accused, Vishal Verma, who, during the course of the investigation, took the name of the applicant in his confessional statement. It is further contended that the confessional statement of a co-accused is not admissible in evidence. It is next submitted that, on the same allegations, another FIR, registered as Case Crime No. 12 of 2025 under Sections 420, 467, 468, 471, 255 and 120B IPC, was lodged at Police Station Civil Line, District Meerut, wherein the applicant was made an accused on the basis of the confessional statement of co-accused Vishal Verma, and he has been granted anticipatory bail in that case by this Court vide order dated 23.07.2026 in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 6941 of 2026. There is no other evidence against the applicant except the confessional statement of the co-accused. The investigation is going on, and the applicant is ready to cooperate in the investigation. The criminal antecedents of nine cases have been explained in paragraph nos. 34 to 40 of the affidavit filed in support of the bail application. 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.

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

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

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- **Akshay Gupta,** involved in the aforesaid case, he 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 concerned 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 her/him 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.)

October 8, 2026
Radhika

Digitally signed by :-
RADHIKA VISHWAKARMA
High Court of Judicature at Allahabad