2026:AHC:209216

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10493 of 2026

Arvind Kumar Ray

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anjani Kumar Raghuvanshi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Shivam Shukla, learned Advocate holding brief of Shri Anjani Kumar Raghuvanshi, learned counsel for the applicant and learned A.G.A for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 414 of 2026, under Sections 319(2), 318(4), 61(2) of B.N.S. and Sections 8(3), 11(6), 13(5) of the Uttar Pradesh Public Examination (Prevention of Unfair Means) Ordinance, 2024 and Section 66D of Information Technology (Amendment) Act, 2008, Police Station- Kotwali, District Azamgarh, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. The Learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case. The police supposedly arrested the co-accused Alok Patel and from his possession, a hearing device, a Bluetooth device with SIM, and two batteries were recovered while the co-accused was supposedly using unfair means during the mains examination of the Uttar Pradesh Subordinate Services Selection Commission (in short UPSSSC). The Learned counsel for the applicant has further contended that the allegation against the applicant is of being friends of the co-accused Alok Patel's brother, Anand Patel and the applicant and the other accused used to get people to successfully pass such examinations. In the confessional statement of the co-accused Alok

Patel, the Bluetooth devices supposedly recovered are stated to have been provided by the applicant and the other named accused. The applicant has no criminal antecedents. Except the confessional statement of the co-accused, there is no other direct evidence against the applicant.

4. Learned counsel for the applicant further contended that identically situated co-accused Umesh Kumar has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.09.2026, in NABAIL No.10030 of 2026. It is further contended 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- **Arvind Kumar Ray**, 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 Station House Officer of the police station 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 him/her 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 6, 2026
Nitendra

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