2026:AHC:210605

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10560 of 2026

Akhilesh Pandey And 7 Others

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Avinash Chandra Srivastava, Mahendra Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material brought on record.

2. The present application has been moved seeking anticipatory bail in Complaint Case No. 21 of 2024, under Sections 420, 467, 468, 471, 120B I.P.C., Police Station Kotwali Basti, District Basti, with the prayer that in the event of arrest, applicants may be released on bail.

3. Learned counsel for the applicants submits that this is the second anticipatory bail application moved on behalf of applicants. In the first anticipatory bail application, initially the applicants were granted interim anticipatory bail vide order dated 24.11.2025, but ultimately the said anticipatory bail application came to be dismissed for want of prosecution. Learned counsel further submits that there is no credible evidence against the applicants. It has also been submitted that applicants have no criminal antecedents and they undertake to cooperate during the trial and they would appear as and when required by the Court. It has been stated that in case, the applicants are granted anticipatory bail, they shall not misuse the liberty of bail and would obey all conditions of bail.

3. A perusal of the record shows that the applicants were granted interim anticipatory bail vide order dated 24.11.2025 subject to the conditions mentioned in the said order, in which one of the condition was to the effect that the applicants shall themselves available before the court concerned on the date fixed in the matter. When this Court asked the learned counsel for the applicants that in compliance of the order dated 24.11.2025 whether the applicants are appearing before the court concerned and are cooperating with the trial, he failed to demonstrate anything in this regard. Further, the learned counsel for the applicants has also failed to show any fresh ground for considering second anticipatory

bail application.

4. In the case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

5. In the instant case, 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 and also considering the fact that the learned counsel for the applicants has failed to show that the applicants are appearing before the court concerned and are cooperating with the trial, without expressing any opinion on merit of the case, no case for anticipatory bail is made out.

6. The anticipatory bail application is **rejected.**

(Dr. Gautam Chowdhary,J.)

October 7, 2026
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad