2026:AHC:212580

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9548 of 2026

Atul Jain

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arun Kumar Bhatt, Vijay Kumar
Counsel for Opposite Party(s)	:	G.A., Mushir Khan

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Arun Kumar Bhatt, learned counsel for the applicant and Sri Uma Shanker Mishra, learned A.G.A. for the State and Mr. Mushir Khan, learned counsel for the opposite party no. 2.

2. Present application has been moved seeking anticipatory bail in Case Crime No. 09 of 2024, under Sections 420, 120B, 323, 504, 506, 467, 468, 471 IPC, Police Station Kurawli, District Mainpuri with the prayer that in the event of arrest, applicant may be released on bail.

3. It is contended by the learned counsel for the applicant that the earlier the applicant was granted interim anticipatory bail by a co-ordinate Bench of this Court vide order dated 4.3.2025 passed in Criminal Misc. Anticipatory Bail Application u/s 482 BNSS No. 1761 of 2025, however, due to non-presence of counsel, said application was rejected by this Court vide order dated 26.2.2026 and in the meantime chargesheet has been submitted before the learned trial Court and custodial interrogation of the applicant is not required. It is next submitted that after rejection of the interim anticipatory bail application of the applicant, the applicant moved anticipatory bail application before the learned trial Court and the same was rejected, therefore present application has been filed. It is further submitted that since the chargesheet has already been submitted and custodial interrogation of the applicant is not required, the applicant is entitled to anticipatory bail till conclusion of the trial. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. On the other hand, learned counsel for the opposite party no. 2 and learned A.G.A. have opposed the application for anticipatory bail and it is submitted that no one appeared on behalf of the application when his first anticipatory bail application was

taken up and rejected in default.

5. In reply, learned counsel for the applicant submits that non-bailable warrant has been issued against the applicant.

6. I have considered the rival submissions made by learned counsel for the parties.

7. The applicant was granted interim anticipatory bail by a co-ordinate Bench of this Court, however, due to non-presence of counsel, said application was rejected by this Court without going into the merits of the case. Now chargesheet has been submitted before the learned trial Court and custodial interrogation of the applicant is not required and non-bailable warrant has been issued against the applicant.

8. It may be stated that in 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, the 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.

9. 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, without expressing any opinion on merits, a case for anticipatory bail is made out.

10. The anticipatory bail application is **allowed**.

11. In the event of arrest of the applicant- **Atul Jain** involved in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would cooperate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

12. In default of any of the conditions, the prosecution shall be at liberty to file

appropriate application for cancellation of anticipatory bail granted to the applicant herein.

October 9, 2026
Abhishek

(Jitendra Kumar Sinha,J.)

Digitally signed by :-
ABHISHEK AGRAHARI
High Court of Judicature at Allahabad