2026:AHC:98146

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3871 of 2026

Ramesh Thakur @ Bhura @ Ramesh Pal Singh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deepak Kumar Kulshrestha
Counsel for Opposite Party(s)	:	Amrendra Singh, G.A., Vinayak Pandey

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Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Deepak Kumar Kulshrestha, learned counsel for the applicant, Sri Amrendra Singh, learned counsel for the informant and Learned AGA for the State.

2. The present anticipatory bail application under Section 482 of BNSS has been filed by the applicant with a prayer to release him on anticipatory bail in Complaint Case No. 16150 of 2025 (Shri Krishan Mishra Vs. Ramesh Thakur and others) under Section 318(4) BNS, P.S.- Trans Yamuna, District- Agra during pendency of the trial.

3. It is contended by learned counsel for the applicant that the accused applicant has been falsely implicated by the complainant in a complaint lodged against the accused applicant, who was driver of the complainant and the allegation after lapse of three years is such that the accused applicant, who was driver of the complainant has misappropriated the amount used for filling diesel, which is amounting to Rs.20-22 lakhs. The learned counsel further contended that the accused applicant has directed statutory notice against the complainant for the payment of compensation under the Workman Compensation Act, which led to the moving of false and frivolous complaint against the accused applicant, wherein the Magistrate has taken cognizance for offence under Section 318(4) BNS on 6.10.2025. Learned counsel further contended that the accused applicant is apprehending arrest as the summon has been issued against him because the complainant is a powerful person, who has exercised a wrongful criminal jurisdiction. Hence, seeks anticipatory bail. He has no criminal history.

4. Countering the argument, learned counsel for the informant has relied upon the two cases of Hon'ble Supreme Court and this Court in the **Case of Om Prakash Chhawanika @ Om Prakash Chabnika @ Om Prakash Chawnika Vs. The State of Jharkhand & Anr**. passed in Petition For Special Leave to Appeal (Crl.) No. 16221 of 2025 and in **Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 4464 of 2025 (Asheesh Kumar Vs. State of U.P. and Another) Neutral Citation No.- 2025: AHC: 128977**, to show that anticipatory bail application is not maintainable in the case. He has also submitted that the accused applicant being driver of the complainant has misused the funds erroneously for the purchase of diesel. Hence, submits that the application is misconceived and liable to be rejected.

5. Countering the arguments, learned counsel for the applicant submits that the case does not cover in the cited rulings because the accused applicant apprehends arrest if appear before the court without anticipatory bail, as his anticipatory bail was rejected by the Sessions Court on merit.

6. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon’ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in **(1980) 2 SCC 565**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in **(2011) 1 SCC 694** and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in **(2020) 5 SCC 1**, wherein it is consistently held by Hon’ble Apex Court that while granting anticipatory bail, the Court should considering the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

7. Considering the allegations made in the complaint, the gravity of accusation, **explained criminal history** and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial, is of considered view to grant anticipatory bail.

8. The **applicant- Ramesh Thakur @ Bhura @ Ramesh Pal Singh** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on bail on furnishing a personal bond of

Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with following conditions :-

(i) 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 from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he/she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

11. **The below mentioned directions shall be complied with for expeditious disposal of trial, in case charge sheet is submitted against accused/applicant :-**

11.1 As the investigation is continuing, in the event charge sheet is submitted and cognizance is taken, it would be the duty of the accused/applicants to appear before the trial court or Magistrate concerned as the case may be without waiting for the issuance of summons, within 60 days from the date of cognizance or on the date

fixed, which ever is earlier. So that the trial may not be delayed for non execution of summons or processes.

11.2 The District Judge concerned shall direct each Magistrate and Special courts to maintain a register of Anticipatory Bail orders granted by this Court, wherein the details of Anticipatory Bail shall be entered. The dedicated official shall be nominated in each Special court and Magistrate court for maintaining the register.

11.3 The accused/applicants shall provide a copy of the final order of anticipatory bail within 30 days, to the official concerned in whose jurisdiction the case lies and shall provide his complete contact details including the mobile number and E-mail ID (if maintained); any change in detail shall be informed by the applicant.

11.4 On the submission of charge sheet and cognizance taken, the Presiding Officer shall fetch the details of the accused/applicants and the dedicated official shall inform the accused at the given detail.

(Avnish Saxena,J.)

April 30, 2026
Krishna*

Digitally signed by :-
KRISHNA KUMAR
High Court of Judicature at Allahabad