

Atul Kumar And 2 Others vs State Of U.P. And Another on 1 April, 2025

Author: Deepak Verma

Bench: Deepak Verma

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44760

Court No. - 67

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1626 of 2025

Applicant :- Atul Kumar And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind Kumar Yadav

Counsel for Opposite Party :- G.A.,Kuldeep Kumar Dube

Hon'ble Deepak Verma,J.

1. Heard Sri Arvind Kumar Yadav, learned counsel for the applicants, Sri Kuldeep Kumar Dube, learned counsel for the informant, learned A.G.A. for the State and perused the record.
2. The instant anticipatory bail application has been filed on behalf of the applicants with a prayer to release him on bail in Case Crime No. 508 of 2024, under Sections 70(1), 131, 352 of BNS, Police Station-Sarai Khwaja, District-Jaunpur, till conclusion of trial.
3. Learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case due to ulterior motive. Allegation alleged in FIR is malicious

prosecution. Civil suit is pending between the parties. On perusal of FIR, no offence under the alleged sections is made out against the applicants. It has been submitted that in case applicants are granted anticipatory bail, they shall not misuse the liberty of bail and would obey all conditions of bail.

4. Sri Dube, learned for the informant has vehemently opposed the prayer for bail and has submitted that on perusal of FIR and statement of victim recorded U/s 180 and 183 BNSS, prima facie, offence is made out against the applicant. It is not a case of false implication. Victim in her statement has made specific allegation against the applicants. Statement of victim is supported the prosecution version. Applicants are named in the FIR. Hence, the anticipatory bail application of the applicants may be rejected.

5. The object of Anticipatory bail is that a person should not be unnecessarily harassed or humiliated in order to satisfy personal vendetta or grudge of complainant or any other person operating the things directly or from behind the curtains.

6. It is well settled that discretionary power conferred by the legislature on this Court cannot be put in a straitjacket formula but such discretionary power either grant or refusal of anticipatory bail has to be exercised carefully in appropriate cases with circumspection on the basis of the available material after evaluating the facts of the particular case and considering other relevant factors (nature and gravity of accusation, role attributed to accused, conduct of accused, criminal antecedents, possibility of the applicant to flee from justice, apprehension of tempering of the witnesses or threat to the complainant, impact of grant of anticipatory bail in investigation or society etc.) with meticulous precision maintaining balance between the conflicting interest, namely, sanctity of individual liberty and interest of society.

7. Without expressing any opinion on merits of the case and considering the submissions advanced, the nature and gravity of the accusation, I find no good ground for anticipatory bail to the applicant in the aforesaid case. No interference is warranted.

8. Accordingly, the anticipatory bail application of applicants, Atul Kumar, Sandeep Kumar and Arvind @ Arvind Kumar Gautam, are hereby rejected.

Order Date :- 1.4.2025 Nitin Verma