

IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR**Anticipatory Bail Application No.: 596/2026**

CNR No.: UPAN010044232026

In the Matter of:

Anuj, Aged about 38 years, Son of Pannalal, Resident of Village Bhitaura Uttar, Police Station Baskhari, District Ambedkar Nagar.

*... Applicant / Accused***Versus****State of Uttar Pradesh***... Prosecution / Opposite Party***Order Date:** June 11, 2026**Case Crime No.:** 256/2024

Under Sections: Sections 420 (Cheating), 406 (Criminal breach of trust), and 506 (Criminal intimidation) of the Indian Penal Code (IPC), 1860.

Police Station: Baskhari, District Ambedkar Nagar

This is the first anticipatory bail application moved on behalf of the applicant/accused, Anuj, under **Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** (corresponding to Section 438 of the Code of Criminal Procedure, 1973), seeking pre-arrest bail protection in connection with Case Crime No. 256/2024. The application is supported by an affidavit executed by the applicant.

Points for Determination

The following key points arise for determination in the adjudication of this pre-arrest bail plea:

1. Whether there exists a genuine, legally sustainable "apprehension of arrest" under Section 482 of the BNSS, 2023, in a scenario where the investigation has concluded, a charge-sheet has been submitted, and the competent trial court has merely issued regular summons to the applicant.
2. Whether a *prima facie* case of financial fraud, job racketeering, and criminal breach of trust is established against the applicant based on verifiable digital and banking transaction records.
3. Whether the applicant's defence regarding a commercial dispute involving a multi-level marketing venture ("QNet Business

Company") is sufficient to grant extraordinary pre-arrest protection under the law.

Findings

1. Factual Matrix of the Prosecution Case

The prosecution case began with an application filed by the informant, Shubham Gupta, under Section 156(3) of the CrPC before the learned Chief Judicial Magistrate (CJM), Ambedkar Nagar. The informant stated that the applicant, Anuj, who is a resident of his village, has been serving in the Central Reserve Police Force (CRPF) for approximately 10 years.

On February 10, 2023, the applicant visited the informant's mother and made alluring promises about leveraging his position to secure the informant a job within the CRPF. Trusting these representations, the informant's mother agreed to the arrangement. The applicant demanded ₹2,000,000 but eventually reduced the amount to a minimum of ₹1,80,000, insisting that the funds be arranged by March 2023 so the appointment could be finalised by May 2023.

To fulfil this demand, the informant's mother sold her personal jewellery to raise ₹80,000 in cash, which she handed to the applicant, and transferred the remaining ₹1,00,000 into the applicant's bank account. After receiving the money, the applicant returned to his official duty in May 2023. Following his departure, he ceased all communications and refused to answer phone calls. When the informant failed to secure employment and demanded a refund of the money, the applicant threatened to falsely implicate him in criminal cases and misappropriated the entire amount.

Pursuant to the judicial directive issued by the learned CJM, Ambedkar Nagar, the primary FIR was registered under Sections 406, 420, and 506 of the IPC. Following a comprehensive investigation, the investigating officer found sufficient incriminating evidence and submitted a formal charge-sheet against the applicant before the competent court. However, Sections 406 and 420 are exclusive in nature and cannot be imposed together.

2. Submissions on Behalf of the Parties

The learned counsel for the applicant submitted that the applicant is entirely innocent and has been targeted purely to cause public humiliation. He argued that:

1. The informant's narrative in the primary application is fabricated; during the investigation, statements revealed that the informant voluntarily joined and worked for "QNet Business Company".

2. A video recording exists showing the informant expressing complete satisfaction and willingness to work with the said company, which was intentionally suppressed in the complaint.
3. The charge-sheet has already been sent to the court, the offences are exclusively triable by a Magistrate, and the applicant has no prior criminal history.

The learned District Government Counsel (Criminal) strongly opposed the anticipatory bail application. He submitted the original case record and banking files, arguing that the applicant used his official status as a security personnel to defraud an innocent family under the guise of providing government employment. He further emphasised that the trial court has already taken cognisance and issued standard summons, meaning there is no arbitrary threat of police arrest.

3. Judicial Analysis and Ground for Rejection

This Court has examined the case records, structural banking documents, and evaluated the competing legal arguments:

1. **Prima Facie Financial Evidence:** A perusal of the bank account statements submitted by the prosecution confirms that a sum of ₹1,00,000 was transferred from the informant's bank account (No. 5010040571XXXX) via Unified Payments Interface (UPI) to the applicant's personal bank account (No. 3187915XXXX) across multiple dates. This digital transaction trail directly refutes the applicant's plea of complete detachment from the transaction. The defence concerning QNet Business Company and the associated video clip has not been produced in the Court, and these are matters of trial evidence that cannot override verified financial extractions at this stage.
2. **Absence of Apprehension of Arrest:** The most critical legal aspect governing this application is that the investigating agency has already completed its inquiry and filed a charge-sheet. Upon taking judicial cognisance of the charge-sheet, the competent trial court has merely issued a standard **summoning order** to the applicant to appear and face trial.
3. **Applicable Legal Principles:** Though Sections 420 and 406 are exclusive and cannot be pressed together, as held by the Hon'ble Apex Court in [Delhi Race Club \(1940\) Ltd vs The State of Uttar Pradesh on 23 August, 2024 \(2024 INSC 626\)](#); this is not an issue of anticipatory bail. The statutory relief of anticipatory bail under Section 482 of the BNSS, 2023, requires a realistic and immediate "apprehension of arrest" by law enforcement agencies. As

established by the Hon'ble Supreme Court in *Satender Kumar Antil v. CBI: (2022) 10 SCC 51* and *Aman Preet Singh v. CBI (CRIMINAL APPEAL NO. 929 OF 2021)*, if an accused was not arrested during the course of the investigation, and the court issues a summon upon the filing of a charge-sheet, the accused must appear before the trial court to seek regular bail. The fear of being arrested directly by the police is removed once the court takes charge of the appearance process through summons.

Since regular summons have been issued, the applicant faces no immediate threat of arbitrary custodial arrest by the police. The proper legal course is for him to appear before the trial court and move an application for regular bail. Consequently, this Court finds no valid ground to exercise its extraordinary discretion to grant pre-arrest protection.

Order

The first anticipatory bail application moved on behalf of the applicant/accused **Anuj** in connection with Case Crime No. 256/2024, under Sections 420, 406, and 506 IPC, Police Station Baskhari, District Ambedkar Nagar, is hereby **Rejected / Dismissed**.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar

J.O. Code No.: UP06553

Date: 11.06.2026

Place: Ambedkar Nagar