



2026:AHC:127114

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15898 of 2026

Basant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hitesh Pachori
Counsel for Opposite Party(s)	:	G.A.

Court No. - 6

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Shri Hitesh Pachori, learned counsel for the applicant and Shri Vijay Prakash Sahu, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 191 of 2026, under Sections 3(5), 111(2)(B), 318(2), 319(2), 338, 339, 340(2) of B.N.S. and Section 66D of I.T. Act, Police Station Sadar, District Agra, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that as per first information report, 10 mobile phones, 7 ATM cards and some aadhar cards are said to have been recovered from the joint possession of ten accused persons, including the applicant. It is further submitted that the applicant is said to have confessed before the police that he indulged in cyber fraud. It is also contended that co-accused Rupesh has been released on bail vide order dated 05.06.2026 passed in Criminal Misc. Bail Application No.18832 of 2026. It is further submitted that the applicant is having criminal history of one case, in which he is on anticipatory bail and the applicant has been languishing in jail since 04.04.2026, in case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail

and it has been submitted by him that some incriminating articles have been recovered from the joint possession of ten accused persons, which are used in cyber fraud but could not dispute the fact that co-accused has already been released on bail.

5. As per first information report, 10 mobile phones, 7 ATM cards and some aadhar cards are said to have been recovered from the joint possession of ten accused persons, including the applicant. It is further submitted that the applicant is said to have confessed before the police that he indulged in cyber fraud. It is further submitted that the is having criminal history of one case, in which he is on anticipatory bail and the applicant has been languishing in jail since 04.04.2026 and co-accused Rupesh has already been released on bail by co-ordinate bench of this Court.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation reported in 2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P. reported in 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Accordingly, the present application is ALLOWED.

8. Let the applicant- **Basant** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the 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 cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

9. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Mrs. Vani Ranjan Agrawal,J.)

June 12, 2026

S.A.