



2026:AHC:161266

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26809 of 2026

Vinay Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Santosh Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Supplementary affidavit filed on behalf of applicant is taken on record.

Heard learned counsel for the applicant and learned AGA for the State-respondent and perused the record of the case.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 167 of 2026, under Sections 318(4), 338, 336(3), 340(2) BNS, Police Station- Chiluatal, District- Gorakhpur, during pendency of the trial in the court concerned.

Learned counsel for the applicant submitted that the applicant is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. There is allegation that applicant and co-accused duped the informant under the pretext to provide her job in a hospital. It is next submitted that applicant is having no concern with the allegations levelled against him and he has not committed any offence as alleged by prosecution. It is further submitted that, although the applicant has not received any money in any manner, he is willing, without prejudice to his rights and contentions, to return the disputed amount of Rs. One lakh to the informant. To substantiate the aforesaid submissions, learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in **Deepak Kumar Shrivastava and Another v. State of Chhattisgarh and Others**, reported in 2024 INSC 117, and has referred to paragraphs '13' and '16' thereof, which read as under:

"13. A reading of the entire material on record clearly reflects that it was totally an unlawful contract between the parties where money was being paid for securing a job in the government department(s) or private sector. Apparently, a suit for recovery could not have been filed for the said purpose and even if it could be filed, it could be difficult to establish the same where the payment was entirely in cash. Therefore, the respondent no.6 found out a better medium to recover the said amount by building

pressure on the appellant and his brother by lodging the FIR. Under the threat of criminal prosecution, may be the appellant would have tried to sort out and settle the dispute by shelving out some money.

16. For all the reasons recorded above, we are of the view that such criminal prosecution should not be allowed to continue where the object to lodge the FIR is not for criminal prosecution and for punishing the offender for the offence committed but for recovery of money under coercion and pressure and also for all the other reasons stipulated above."

It is next submitted that except the present case, the applicant is not having any other criminal history and he is languishing in jail since 11.6.2026. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

The prayer for bail has been vehemently opposed by learned A.G.A.

Considering the facts and circumstances of the case, perusing the record, evidence and also considering the nature of allegations, arguments advanced by the learned counsel for the parties, this Court is of the view that the applicant is entitled to be enlarged on bail during the pendency of the trial.

Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

Let applicant, **Vinay Yadav** be released on bail in the aforesaid case on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- (i). The applicant will not tamper with the evidence during the trial.
- (ii). The applicant will not pressurize/ intimidate the prosecution witness.
- (iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (v). 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.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

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.

(Jai Prakash Tiwari,J.)

August 3, 2026
KK Patel