



2026:AHC-LKO:42226

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4778 of 2026

Mohammad Ashar

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Afrin Bano
Counsel for Opposite Party(s)	:	G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State, and perused the record.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 0031 of 2026, under Sections 319(2), 318(4), 338, 336(3), 340(2) and 61(2) of the BNS, Police Station Kotwali Tanda, District Ambedkar Nagar.
3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. She submitted that the applicant is a Central Government employee and is working as a Librarian in Kendriya Vidyalaya Sangathan. She further submitted that as per the attendance record of the institution, the applicant was present there and, therefore, there is no possibility that he could have withdrawn the amount from the bank account in question, in Uttar Pradesh.
4. She next submitted that one Umer Ahmad, who is a relative of the applicant, in collusion with the other co-accused persons, including a bank employee, fraudulently transferred the amount into the account of the applicant and thereafter had withdrawn the same. She further submitted that the charge-sheet has already been filed and, therefore, there is no possibility of the applicant tampering with the evidence and no further custodial interrogation is required.
5. She next submitted that one of the co-accused, namely Sharad Maurya, has already been enlarged on bail by a Coordinate Bench of this Court. She further submitted that the applicant is a law-abiding citizen and will cooperate in the trial proceedings. She submitted that no useful purpose would be served by keeping the applicant in jail. She further submitted that the applicant has no

criminal history and is languishing in jail since 16.04.2026. Lastly, she submitted that the applicant undertakes that, if released on bail, he will cooperate in the trial proceedings and will not misuse the liberty of bail.

6. Per contra, learned A.G.A. opposed the prayer for bail and submitted that there are serious allegations against the applicant and, therefore, he is not entitled to be enlarged on bail.

7. Considering the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it appears that the applicant is working as a Librarian in Kendriya Vidyalaya Sangathan and as per the attendance record filed along with the bail application, he was present at his place of posting on the relevant date. It is further submitted that one of the co-accused, namely Sharad Maurya, against whom allegation of making forged Insurance Policy/bond is levelled, has already been enlarged on bail vide order dated 13.05.2026 in Criminal Misc Bail Application No. 3418 of 2026 and also considering the fact that the applicant is languishing in jail since 16.04.2026, he has no criminal history and the chargesheet has already been filed, I am of the view that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Mohammad Ashar** 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:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;

(3) 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 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in

accordance with law under Section 174-A of the Indian Penal Code.

9. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

10. It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

June 29, 2026
DiVYa

(Shree Prakash Singh,J.)