



2026:AHC:175317

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6553 of 2026

Rocky Malik

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rohit Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the applicant and learned A.G.A. for the State and perused the record.

The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 128 of 2025, under Sections 61(2), 317(2), 316(5) B.N.S., 2023, Police Station Baraut, District Baghpat during pendency of the trial.

Learned counsel for the applicant submits that, as per the allegations contained in the FIR, the accused persons were employees of a company which was authorized to load cash into the ATMs, however, instead of depositing the cash in the ATMs, they allegedly fled away with an amount of approximately Rs. 5.26 crores belonging to the bank. Learned counsel submits that the applicant and co-accused Gaurav Tomar were custodians of the cash on behalf of the CMS company. It is further submitted that the attention of the Court has been drawn to Annexure Nos. S.A.-1 and S.A.-2, particularly paragraphs 5 and 6 of the supplementary affidavit, to demonstrate that an amount of approximately Rs. 5 crores was recovered from the applicant, Gaurav Tomar and other co-accused persons. It is further submitted that the informant/Manager of the CMS company moved an application before the learned Chief Judicial Magistrate seeking release of the recovered amount, and pursuant thereto, the learned Chief Judicial Magistrate passed an order releasing the said

amount in favour of the informant. Thus, the recovered amount has already been handed over to the informant/company and no further recovery remains to be effected from the applicant. Learned counsel further submits that the co-accused persons, namely Rajeev Chaudhary, Manish, Rajpal alias Bobby Malik, Samundra and Gaurav Balmiki, have already been granted bail by co-ordinate Benches of this Court vide orders dated 22.09.2025, 18.09.2025, 09.10.2025, 01.07.2025 and 27.08.2025 passed in Criminal Misc. Bail Application Nos. 29375 of 2025, 32085 of 2025, 34782 of 2025, 21634 of 2025 and 29596 of 2025, respectively. It is further submitted that the applicant has no previous criminal history and has been in judicial custody since 24.03.2025. It is submitted that till date, no charge has been framed. The applicant is not required for any further recovery or custodial interrogation, as the recovered amount has already been released in favour of the informant/company. Learned counsel for the applicant lastly submits that, in the event the applicant is enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial.

Learned A.G.A. for the State vehemently opposed the prayer for bail and submitted that there is no illegality in the bail rejection order. He prays that the application be dismissed.

Considering the submissions advanced by learned counsel for the applicant and learned A.G.A. for the State, and upon perusal of the material available on record, the nature of allegations, the fact that substantial recovery of the alleged amount has already been made and the recovered amount has been released in favour of the informant/company pursuant to the order of the learned Chief Judicial Magistrate, as well as the fact that no further recovery is stated to be required from the applicant, this Court is of the considered opinion that the applicant has made out a case for bail. It is also relevant to note that the applicant has no previous criminal history, he is in judicial custody since 24.03.2025, and similarly situated co-accused persons have already been enlarged on bail by Co-ordinate Benches of this Court.

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

Let the **applicant-Rocky Malik**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Jai Prakash Tiwari,J.)

August 19, 2026

Brijesh