



2026:AHC:176339

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6781 of 2026

Mohd Shahvez @ Shanu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhishek Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 50

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Abhishek Kumar Shukla, learned counsel for the applicant, Shri Yagyavalk Pandey, learned AGA for the State and perused the entire material available on record.

This is the second bail application filed by the applicant. The first bail application filed by the present applicant has been rejected by this Court by means of a detailed order dated 27.11.2025 passed in Criminal Misc. Bail Application No. 31912 of 2025, a copy of which has been brought on record as Annexure-1 to the bail application.

The applicant Mohd Shahvez @ Shanu, has filed this second bail application with a prayer to enlarge him on bail in Case Crime No. 70 of 2024, under Sections 420, 467, 468, 471, 120B, 201 IPC and Section 66/66C I.T. Act, Police Station Cyber Crime, District Gautam Budh Nagar, during the pendency of the trial before the Court below.

In support of this second bail application, learned counsel for the applicant has reiterated the entire submissions made in the first bail application, which are not necessary to mention herein again by this Court.

Apart from the earlier submissions made, learned counsel for the applicant submits that trial is pending and charges against the applicant has not been framed till date and case is being fixed only for summoning the co-accused Harsh Bansal. In support of his submissions, learned counsel for the applicant has brought on record the order sheet by way of supplementary

affidavit.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 21.4.2025. Applicant has no criminal antecedent to his credit and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Learned counsel for the applicant submits that in the statement of co-accused Danish, name of applicant surfaced on record. Learned counsel for the applicant submits that co-accused Kuldeep Singh and Shubham Bansal have already been enlarged on bail by this Court in Crl. Misc. Bail Application No. 24096 of 2025 and Crl. Misc. Bail Application No. 25418 of 2025 on 27.8.2025 and 14.8.2025, respectively. Hence, bail has been prayed for on the ground of parity.

Learned AGA has vehemently opposed the prayer for bail by submitting that applicant along with other co-accused in connivance with each other has siphoned an amount of Rs.16 crores and odd, by hacking the Server of Nainital Bank. Learned AGA submits that applicant used to provide mule account to co-accused Umealakei Emeka @ Alex, on 2% commission basis and this fact is very well surfaced on record during the investigation in the statement of co-accused Danish. In case, applicant be released on bail, there is every possibility that the presence of the applicant could not be procured in the pending trial. From the documents prepared during investigation and brought on record, it is very much established that applicant is an active member of syndicate involved in the crime of Cyber fraud. The Trial Court proceedings brought on record reveals that charges against the applicant are yet to be framed. The bail application of the applicant is liable to be rejected at the threshold.

I have heard learned counsel for the parties and perused the record.

The Apex Court very recently in the case of ***Sagar versus State of U.P. and another reported in 2025 LiveLaw (SC) 1155*** while setting aside an order granting bail to a co-accused on the ground of parity was pleased to observe that parity is not the sole ground on which bail can be granted. Parity once considered must focus on the position of the accused which is met not only by involvement in the same offence, but on their role in the crime. The Court must strike a balance and exercise discretion judiciously considering factors

like the nature of the allegations, severity of punishment, criminal antecedents and a prima facie case.

This Court finds that in India, the rapid advancement of technology and the widespread adoption of digital infrastructure have led to a significant rise in cyber-crimes including phishing scams, ransomware attacks, cyber-stalking and data breaches. Initiatives like Digital India have accelerated the country's' digital transformation, but they have also exposed vulnerabilities that cyber-criminals exploit.

Cyber-crime has been affecting the people across the nation, irrespective of religion, region, education or class. Newspapers, Magazines, You Tube Channels and Social Media are brimming with ordeals of an uncountable number of innocent victim of the cyber-crime, who are defrauded of their hard earned money. Such cyber-crimes are rampant in our society, and must be curbed. Cyber-crime in our country is like a silent virus stealthy, disruptive, and costing society more than just money, but trust, security and progress.

From the perusal of the submissions as well as documents brought on record in the present second bail application, no new ground is made out to enlarge the applicant on bail. The fraud played upon the Public Sector Government Bank by the applicant are heinous in nature and cherishing of such type of crime is bad example for the society and there is every likelihood of tempering with the prosecution evidence, in case applicant is released on bail.

Considering all the above, no case for bail is made out. ***Rejected.***

(Ashutosh Srivastava,J.)

August 19, 2026

Ravi Prakash