



2026:AHC:66148

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10606 of 2026

Mohd Amir

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kaustubh Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Kaustubh Tripathi, learned counsel for the applicant, Sri DPS Chauhan, 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. 59 of 2025, under Sections- 318(4), 338, 336(3), 342(1), 344, 61(2), 316(5) of B.N.S., Police Station- Chetganj, District- Varanasi, during the pendency of the trial.
3. Contention of the learned counsel for the applicant is that, even as per the allegation made in the FIR, the branch manager Ashish Tiwari himself misused the cross cheque of the concerned account holder and transferred the huge amount of Rs. 4,88,00,000/- into different accounts, including the account of the applicant, and thereafter again transferred that amount into another account, and also withdrew cash, without the knowledge of the applicant. It is further submitted that the aforesaid facts are duly substantiated by the statement of the main accused Ashish Tiwari, as well as the FSL report, which shows tampering/alteration on the cross cheque of the account of the first informant and also on the cheque of the account of the applicant, which was misused by forging the signature of the applicant. Therefore, the applicant has not committed any offence, and all transactions have been conducted were carried out by the main accused Ashish Tiwari, who has already been released on interim bail by a coordinate bench of this Court in Criminal Misc. Anticipatory Bail Application u/S 482 of B.N.S.S. No. 8544 of 2025, vide order dated

17.10.2025. It is further submitted that co-accused Himanshu Singh, Himanshu Shukla, and Mandeep Singh have already been released on bail by coordinate benches of this Court in Criminal Misc. Bail Application Nos. 45590 of 2025, 45534 of 2025, and 45633 of 2025, vide orders, all dated 13.01.2026. Therefore, the applicant, who stands on better footing than the above accused persons, is entitled to be released on bail. It is further submitted that the applicant has explained the criminal history of one case. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 10.06.2025. 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 but could not dispute the aforesaid facts.

5. 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** 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.

6. Let the applicant-**Mohd Amir**, 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.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

(Arun Kumar Singh Deshwal,J.)

March 30, 2026
SA