



2026:AHC:58326

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6359 of 2026

Jitendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.
2. Heard Sri Narendra Kumar, learned counsel for the applicant and Sri Triveni Sharan Rai, learned counsel for the State and perused the material on record.
3. Learned counsel for the State submits that he has received instructions in the matter for which time was granted to him on 20.02.2026.
4. This bail application under Section 483 of B.N.S.S., 2023 has been filed by the applicant- **Jitendra**, seeking enlargement on bail during trial in connection with Case Crime No. 009 of 2025, under Section 12/7 of Prevention of Corruption Act, 1988, Police Station Anti-Corruption (A.C.O.), Agra, District Agra.
5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. While placing paragraph 10 of the affidavit it is submitted that the applicant is working as a contractual employee in the concerned electricity department who was assigned to work as a lineman. While placing paragraph 20 of the affidavit it is submitted that the applicant is not a public servant and he was a contractual employee and Section 7 of Prevention of Corruption Act is only application to public servant and as such the provision of 12/7 of Prevention of Corruption Act do not attract upon the applicant. While placing paragraph 3 of the supplementary affidavit it is submitted that the investigation in the matter has concluded and charge-sheet has been submitted against the applicant and another co-accused namely Arjun. It is submitted that co-accused Arjun has been granted bail by the trial court concerned vide order dated 01.12.2025 passed in CC No. 84/1820/2025, the copy of the said order is annexed as Annexure-8 to the affidavit. The applicant has no criminal history as stated in para 09 of the

affidavit and is in jail since 09.09.2025.

6. *Per contra*, learned counsel for the State opposed the prayer for bail.

7. After having heard learned counsel for the parties and perusing the record, it is evident that the applicant is working as a contractual employee in the concerned electricity department. There is an allegation of demand of bribe against the applicant. The investigation in the matter has concluded and charge-sheet has been submitted. Co-accused Arjun has been granted bail by the trial court concerned. The applicant has no criminal history.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

9. Let the applicant- **Jitendra**, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 B.N.S.S., 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 B.N.S., 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 B.N.S.S., 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail

and proceed against him in accordance with law and the trial court may proceed against him under Section 269 B.N.S., 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

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

11. The bail application is **allowed**.

12. Pending application (s), if any, shall stand disposed of.

March 20, 2026
AS Rathore

(Samit Gopal,J.)