



2026:AHC:54797

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8866 of 2026

Aman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 66
(Sl. No. 3 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sushil Kumar Pandey, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 20 of 2025, under Sections 3(5), 318(4), 336(3), 340(2), 338 BNS and 66C and 66D I.T. Act, Police Station Cyber Crime, District Muzaffar Nagar, during the pendency of trial.
4. This is the second bail application filed on behalf of the applicant. The first bail application was rejected by this Court vide order dated 15.9.2025 passed in Criminal Misc. Bail Application No. 28186 of 2025. It was not rejected on merits, rather on the ground that criminal history of the applicant was not properly explained. The following order was passed:-

"1. List has been revised.

2. Heard Sri Adil Jamal, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.

3. The present bail application has been filed by the applicant in Case Crime No.20 of 2025, under Sections 3(5), 318(4), 336(3), 340(2), 338 B.N.S. and Sections 66C and 66D of I.T. Act, Police Station Cyber Crime, District Muzaffar Nagar with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The allegations are per se false. The allegations whatsoever

are against the co-accused person Ahmad Nawaj. The criminal history of two cases assigned to the applicant stands explained. The applicant is in jail since 14.06.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that there is criminal history of two cases assigned to the applicant and the same has not been properly explained. Only FIR has been appended with the supplementary affidavit.

6. In rebuttal, learned counsel for the applicant has stated that the other case also stands explained as the applicant is not named in the said complaint case instituted at West Bengal. The applicant has yet to apply for bail in the said case. The applicant is not named in Case Crime No.348 of 2021, under Section 4/5 Explosive Substances Act, 1908.

7. The Supreme Court in Special Leave to Appeal (Crl.) No(s). 1400/2025 Munnesh Vs. State of Uttar Pradesh has directed that the petitioners seeking regular bail or anticipatory bail must mandatorily disclose their criminal antecedents. Non-disclosure of criminal history itself could be considered as a ground for dismissal of bail. The Court directed:

"We, accordingly, direct that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/ sessions courts declining prayers under Sections 438/439 of the Code of Criminal Procedure, 1973 or under Sections 482/483, Bharatiya Nagrik Suraksha Sanhita shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the special leave petition."

8. After hearing learned counsel for the parties and taking into consideration the fact that no order has been appended by the counsel for the applicant regarding Case Crime No.348 of 2021, under Section 4/5 Explosive Substances Act, 1908, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, rejected.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220 and Hussain and Another vs. Union of India; (2017) 5 SCC 702, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the

parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial. "

5. As per prosecution story, the applicant is stated to have committed forgery and had usurped the money of several consumers by overcharging the goods.

6. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The applicant is the authorized seller of the goods and has nothing to do with the said offence.

7. Learned counsel for the applicant has further argued that there is a criminal history of two cases assigned to the applicant, which stands explained. The applicant is languishing in jail since 14.6.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

9. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the applicant is the authorized seller of the goods and there is no cogent evidence against the applicant regarding the said allegations and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Aman**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties

be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

13. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

March 18, 2026

Shalini