



2026:AHC-LKO:20443

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1041 of 2026

Kapil Kumar Gupta

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Home
Lko.

.....Opposite
Party(s)

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

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicant in F.I.R. No.543 of 2020, under Sections 409, 420 IPC, Police Station Gomti Nagar, District Lucknow with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that the applicant was the Commission Agent in the Company in question. It is also submitted that the Company used to provide him the list of plots along with map and after execution of sale deed, the sale consideration was to be deposited in the account of the Company, and the commission was being paid to the applicant. It is vehemently submitted that during the course of investigation, the applicant was not taken into custody, as he was granted anticipatory bail by this Court and he never misused the liberty of the same. Learned counsel for the applicant submits that the other co-accused persons have already been enlarged on bail. (Photocopy of the order dated 07.01.2026 passed in the case of co-accused Asif Naseem is annexed as Annexure 3 to the application). It is next submitted that the applicant was implicated in 3 cases, and in all of them, the applicant has already been granted bail. It is lastly submitted that in near future, there is no possibility of conclusion of trial and the applicant is in jail since 28.08.2025. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully co-operate in the trial.
4. Learned A.G.A. opposes the prayer for grant of bail to the applicant and submits that after investigation, sufficient evidences were found against the

applicant and thereafter, the charge sheet was submitted. However, he does not dispute the fact that applicant does not hold any post in the Company. He also concedes the fact that other co-accused have already been granted bail.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of F.I.R., bail order of co-accused person as well as other relevant documents, it is evident that the co-accused, Asif Naseem, who was the Managing Director in the Company, had already been granted bail by this Court vide order dated 07.01.2026 passed in Bail Application No.10976 of 2025. In such circumstances, this Court is of the view that the applicant is entitled to be released on bail.

6. Application stands allowed.

7. Let applicant -Kapil Kumar Gupta be released on bail in F.I.R. No. 543 of 2020, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(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 shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A IPC.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. 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 174-A IPC.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 313 Cr.P.C. 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.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

March 20, 2026
PS

(Rajeev Singh,J.)