



2026:AHC-LKO:19253

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1311 of 2026

Akhilesh Kumar

.....Applicant(s)

Versus

State Of U.P. Thru. The Prin. Secy. Home Dep'tt.
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Devesh Tiwari, Arpit Verma, Jitendra
Tiwari, Zeeshan Ali
Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

As per the prosecution version, acting upon secret information, three persons including the present applicant were apprehended from a car. It is alleged that during the search of the said vehicle, several counterfeit mark-sheets purportedly issued by different universities, including Kalinga University, along with various appointment letters in the names of different persons, were recovered.

Submission of learned counsel for the applicant is that the applicant is neither the owner nor in exclusive possession of the said car. It is further contended that the mandatory provisions of Section 105 BNS have not been complied with at the time of alleged recovery. The place of arrest itself appears doubtful and the grounds of arrest were never communicated to the applicant, thereby vitiating the entire proceedings.

Learned counsel further submits that no offence of cheating is made out inasmuch as no individual has come forward alleging that he has been cheated. Likewise, no offence of forgery is attracted against the applicant, as it is not the prosecution case that the applicant is the maker or author of any alleged forged document. It is lastly argued that except for the confessional statement of a co-accused, no incriminating material has been collected by the Investigating Officer connecting the applicant with the alleged offence.

The applicant has no criminal antecedents and is languishing in judicial custody since 21.12.2025.

It is also submitted that co-accused Saurabh Sharma has already been granted bail by this Court vide order dated 16.02.2026 passed in Criminal Misc. Bail Application No. 601 of 2026. Applicant seeks parity with the bail order of the said co-accused.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. has opposed the bail application; however, he could not dispute the fact that there has been non-compliance of Section 105 BNS at the time of making the alleged recovery so also that co-accused has already been enlarged on bail by this Court.

Having due consideration to the facts and circumstances of the case, particularly that there is non-compliance of Section 105 BNS; the applicant is in custody since 21.12.2025 without any criminal antecedents; and the alleged offences are triable by the Magistrate so also the bail order of the co-accused named above, this Court finds it to be a fit case for grant of bail on the ground of parity.

Accordingly, the bail application is allowed on the ground of parity.

Let the applicant-**Akhilesh Kumar**, involved in case crime No. 578/2025, U/s 319(2), 318(4), 338, 336(3), 340(2), 61(2) BNS, P.S. Gomit Nagar, District - Lucknow, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

March 17, 2026
Vinay/-

(Karunesh Singh Pawar,J.)