



2026:AHC:125486

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18232 of 2026

Abhimanyu @ Shivam Kushwaha @ Shivam Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manvendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Manvendra Singh, learned counsel for the applicant, Sri G.P. Singh, 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. 08 of 2025 under Sections 318(2), 319(2), 338, 336(3), 340(2), 3(5), 111(4) BNS, 66C and 66D I.T. Act and 20/21 of Indian Telegraph Act, Police Station Cyber Crime, District Fatehpur during the pendency of the trial.
3. Learned counsel for the applicant has submitted that FIR has been lodged against unknown and name of the applicant has surfaced in the confessional statement of co-accused Vipin Chadar who has been granted bail by a Co-ordinate Bench of this Court. It is further submitted that another co-accused Mohit Kushwaha has also been granted bail by a Co-ordinate Bench of this Court and the third accused Subhash Kumar has been granted interim protection from arrest during investigation by a Division Bench of this Court. It is further submitted that no monetary transaction has taken place in the bank account of the applicant who has been languishing in jail since 17.3.2026 and 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. FIR has been lodged against unknown alleging therein that some cyber fraud is said to have been committed with the first informant and during

investigation, one Vipin Chadar was arrested and name of the applicant has surfaced in his confessional statement. Co-accused Vipin Chadar and Mohit Kushwaha have been granted bail by Co-ordinate Bench of this Court and the third accused Subhash Kumar has been granted interim protection from arrest during investigation by a Division Bench of this Court. No monetary transaction is said to have taken place in the bank account of the applicant who has been languishing in jail since 17.3.2026.

6. 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 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail 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.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant **Abhimanyu @ Shivam Kushwaha @ Shivam Kumar** 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.

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

cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24 hours 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.

June 4, 2026
Madhurima

(Jitendra Kumar Sinha,J.)