



2026:AHC:126705

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20035 of 2026

Saleem @ Avalu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd Hasnain, Sunil Kumar Kushwaha
Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and also perused the material placed on record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.12 of 2025, under Sections 318(4), 338, 336(3), 340(2), 3(5), 61(2) of BNS and Sections 66(C), 66(D) of I.T. Act, Police Station- Cyber Crime, District-Budaun, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. It is further submitted that he is not named in the FIR and during investigation, his name has come into light. He is the driver of co-accused Hempal and is not involved in any activity, which was carried out at the alleged call centre. It is contended that five co-accused persons, who were running the call centre have been granted bail by Co-ordinate Benches of this Court, vide orders dated 26.03.2026, 01.04.2026, 01.04.2026, 08.04.2026, 20.04.2026, passed in Criminal Misc. Bail Application Nos.7341 of 2026, 6971 of 2026, 7265 of 2026, 7336 of 2026, 13035 of 2026 respectively. In these circumstances, the applicant is also entitled for bail. In case of being enlarged on bail, he will not misuse the liberty of bail.
4. Learned A.G.A. has opposed the prayer for grant of bail to the applicant.

6. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR as well as other relevant documents and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made a case for bail. The bail application is **allowed** on the ground of parity.

7. Let the applicant-**Saleem @ Avalu**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond of Rs.50,000/- and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicant shall not commit or participate in any 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 (corresponding Section 269 BNS).

(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 (corresponding Section 209 BNS).

(vi) 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 313 Cr.P.C. (corresponding Section 351 BNSS). 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. In default of any of the conditions, concerned court shall be at liberty to cancel the bail granted to the applicant.

(Sanjiv Kumar,J.)

June 10, 2026

Subham