



2026:AHC:127912

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18563 of 2026

Dilip Nishad @ Dilip Shahani

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raj Kishor Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 640 of 2025, under Sections 419, 420, 467, 468, 471 IPC and Section 12(1)B of Passport Act, Police Station Badahalganj, District Gorakhpur.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged incident had taken place on 9.12.2022, whereas the first information report was lodged after about three years on 7.11.2025. It is alleged in the first information report that the applicant had obtained two passports. The applicant was protected by the Division Bench of this Court by granting stay of arrest vide order dated 12.12.2025 in Criminal Misc. Writ Petition No. 28708 of 2025. The criminal history of the applicant has been well explained in paragraph no. 16 of the bail application. The offence is exclusively triable by the court of Magistrate. Learned counsel for applicant further submits that applicant has been languishing in jail since 30.3.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.
4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not

entitled to be released on bail.

5. I have considered the rival submissions of the parties and perused the record.

6. The charge-sheet has already been submitted in present case. The offence is triable by the court of Magistrate.

7. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

8. Accordingly, the bail application is **allowed**.

9. Let the applicant-**Dilip Nishad @ Dilip Shahani** who is involved in the 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 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.

(ii) 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/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., 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/ 209 B.N.S.

(iv) 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./ 351 of B.N.S.S. 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.

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

11. 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.

(Vivek Kumar Singh,J.)

June 18, 2026
Lalit Shukla