



2026:AHC:126383

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16851 of 2026

Aas Mohammad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mukesh Chandra Gupta, Shubham
Prakash Gupta

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/FIR No.611 of 2025, under Sections 318(4), 338, 336(3), 340(2), 3(5) of B.N.S., 2023 & Sections 66-C, 66-D I.T. Act and Sections 42(1), 42(2)A, 42(3), (B)(C)(D)(E)(F), 42(6) of Indian Telecom Act, Police Station- Lisari Gate, District Meerut, with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submitted that applicant is innocent person and has been falsely implicated in the case, he is having no previous criminal history and in jail since 07.09.2025. He further submitted that co-accused, namely, Qasim has already been granted bail by Co-ordinate Bench this Court, vide order dated 11.05.2026 passed in Criminal Misc. Bail Application No.42808 of 2025. 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. During course of arguments, learned counsel for the applicant placed before this Court a photocopy of bail order of co-accused, namely, Qasim is taken on record.

5. Learned A.G.A. has opposed the prayer for grant of bail to the

applicant but has fairly conceded that similarly situated co-accused – have/has already been granted bail.

6. Considering the submissions made by learned counsel for the applicant and learned A.G.A. and going through the record as well as order of co-accused, this Court is of the view that it is a fit case for bail. The bail application is allowed on the ground of parity.

7. Let the applicant- **Aas Mohammad**, who is involved in 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.

(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 I.P.C. (corresponding Section 269 B.N.S.).

(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 B.N.S.).

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

(Sanjiv Kumar,J.)

June 9, 2026

A.N. Mishra