



2025:AHC:174991

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31365 of 2025

Nitin Mathur

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	S.M.Faraz I. Kazmi
Counsel for Opposite Party(s)	:	G.A., Rahul Srivastava

Court No. - 82

HON'BLE SAMEER JAIN, J.

1. Heard Sri S.M. Faraz I. Kazmi, learned counsel for the applicant and Sri Rahul Srivastava, learned counsel for CBI.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. RC 007 2021 A 0001, under Sections 120B r/w 420 IPC, registered at Police Station C.B.I., A.C.B., Dehradun, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however, as per allegation applicant committed cheating but entire allegations leveled against the applicant are totally false.
4. He further submitted that even during investigation in spite of the fact that applicant fully co-operated with the investigation, he was not arrested by the Investigating Officer and without his arrest, chargesheet has been filed against him.
5. He further submitted that charge sheet against the applicant was filed on 30.1.2024 and cognizance was taken on 18.11.2024 and thereafter summons were issued to the applicant in November, 2024 but no summon could ever be served to him as in the meantime, he changed his address and therefore, warrant was issued to the applicant and pursuant to the warrant, he was arrested and when he applied for bail before the court concerned then his bail application has been dismissed.
6. He further submitted that applicant was neither absconder nor he was trying to evade his arrest and only because summons could not be served to him due to the fact that in the meantime, he had changed his address, therefore, he could not appear before the court concerned.
7. He further submitted that applicant is in jail in the present matter since 21.5.2025 i.e. for last four months.
8. Per contra, learned counsel for CBI opposed the prayer for bail but could not

dispute the arguments on facts advanced by learned counsel for the applicant.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, as per allegations applicant committed offence of cheating but it reflects during investigation, Investigating Officer did not propose his arrest. However, he fully co-operated with the investigation and there is no allegation that he was an absconder.

11. Further, however, it reflects that after submission of the charge sheet when summons were issued to the applicant in November, 2024 then when inspite of summons he failed to appear before the court concerned then court concerned issued non bailable warrants against him and pursuant to the warrants issued against him he was arrested on 21.5.2025.

12. As per learned counsel for the applicant, as summons could never be served upon him as in the meantime, he changed his address, therefore, it cannot be said that he was either absconder or he was trying to evade the process/warrants. The contention raised at bar, at this stage, it cannot be ruled out.

13. Further, in the present matter, applicant is in jail since 21.5.2025 i.e. for last four months.

14. Further in para-41 of the affidavit filed in support to the instant bail application, applicant has given an undertaking that applicant after released on bail shall not abscond.

15. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

17. Let the applicant-**Nitin Mathur** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

18. In case of breach of any of the above condition, the prosecution will be at liberty

to move an application before this Court for cancellation of the bail of the applicant.

19. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

September 26, 2025
Ankita

(Sameer Jain,J.)