



2025:AHC:174579

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33425 of 2025

Akash Jain

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : J Shubham, Jitendra Kumar Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri J. Shubham, learned counsel for the applicant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.72 of 2024, under Sections 308(2), 318(4), 319(2), 61(2) B.N.S. and 66-D of I.T. Act, Police Station Cyber Crime, District Gautam Buddh Nagar, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that the mobile of Shivcharan Alias Shiva Alias Rahul was used in the said offence who has already been enlarged on bail by Co-ordinate Bench of this Court vide order dated 14.7.2025 passed in Criminal Misc. Bail Application No.99 of 2025. The case of the applicant is at a better footing to the said accused person, as such, he is also entitled to be enlarged on bail on the ground of parity. There is no criminal history of the applicant. He is languishing in jail since 25.11.2024. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. Learned State Law Officer has opposed the bail application and stated that the said bail was granted on the ground that the applicant had purchased the said handset from the co-accused person for a consideration of Rs.25,000/-. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by him.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, pending trial and without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity. The bail application is **allowed** on the ground of parity.

7. Let the applicant- **Akash Jain**, 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. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

9. 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.

(Krishan Pahal,J.)

September 26, 2025
(Ravi Kant)