HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1045 of 2026

Mubarak Ali

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home U.P. Lko.

.....Opposite Party(s)

Counsel for Applicant(s) : Ram Saran Awasthi, Abhishek Awasthi
Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant and Sri Piyush Kumar Singh learned A.G.A. for the State.

2. The instant anticipatory bail application has been filed by the applicant with a prayer to enlarge him on anticipatory bail in Case Crime No.0009 of 2026 under Sections 318(4), 317(2), 317(4), 61(2), 3(5) of B.N.S., Police Station-Cyber Crime Police Station Ayodhya, District-Ayodhya.

3. In pursuance of the earlier order, Sri Arvind Sonkar, Circle Officer, P.S-Cyber Crime Police Station Ayodhya and Sri Riyazul Rahman, Investigating Officer of crime in question are present before this Court. They submitted that huge number of mobile phones are recovered from 9 accused persons namely Amit Nayak @ Amit Kumar, Om Prakash, Sandeep Kumar, Bablu, Mahendra, Anil, Shiv Shankar, Akash and Nazzimuddin. They further submitted that all the 9 accused persons stated to the police that they are purchasing useless mobile phones from the common people along with other unused household articles. Thereafter, the garbage of the mobile were purchased from them by Mubarak Ali, resident of Barabanki and Abdul Rahman @ Chhotu, resident of West Bengal. It is further submitted that the applicant is resident of Village Nagra P.S-Patranga District Ayodhya, and he has no connection with Barabanki and he is also not known to the aforesaid accused persons who are purchasing the useless mobile phones from common people. It is

further submitted that the applicant has no criminal history.

4. Mr.Arvind Sonkar informed that the names of the persons whose unused mobile phones were recovered from the possession of the aforesaid nine persons is not known and the nine accused persons were unable to explain that why the mobile phones were purchased and thereafter, the FIR in question was lodged on the basis of alleged recovery and it is further submitted that as in the statement of the arrested persons, they stated that unused mobile phones were being purchased from them by Mubarak Ali, resident of Barabanki as well as Abdul Rahman @ Chhotu, resident of West Bengal and it is further submitted that there is a possibility that the mother board of the mobile phone is being used by the cyber criminals for the purposes of digital arrest as well as cyber fraud. It is further submitted that investigation is going on.

5. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case on the basis of general allegations. He also submits that the applicant is ready to cooperate in the investigation and except the present case, he does not have any criminal antecedent, hence, he is entitled for anticipatory bail.

6. Learned A.G.A. vehemently opposes the prayer of the applicant and submitted that the name of the applicant is deciphered in the statement of the arrested persons from whose custody unused mobile phones were recovered but he does not dispute this fact that there is no evidence that these mobile phones are stolen property.

7. Considering the submissions of learned counsel for the parties and going through the contents of the F.I.R. as well as other relevant materials, as also explanation given by the officer before this Court, prima facie it reveals that unused mobile phones were purchased by the aforesaid 9 persons from common people as garbage and other household articles and these phones were purchased by some other person from them. At this stage, this Court is of the view that the applicant is entitle for interim relief. Therefore, the applicant is entitled for anticipatory bail.

8. Let the applicant-**Mubarak Ali** be released on interim bail in the aforesaid case. In case the applicant is taken into custody by Investigating

Officer/Investigating Agency, he shall be released forthwith on anticipatory bail after taking personal bond of Rs. 25,000/- and two sureties each in the like amount with the following conditions:-

(i) The applicant is directed to not to switch off his mobile number till the investigation of crime is concluded. 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 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 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.

9. List on **17.08.2026**, on which date, the bail application will be decided finally.

10. By the next date of listing, Circle Officer of the concerned Police Station is directed to file counter affidavit/response.

(Rajeev Singh,J.)

June 10, 2026
Harshita

Digitally signed by :-
HARSHITA
High Court of Judicature at Allahabad,
Lucknow Bench