2026:AHC:208985

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5722 of 2026

Bablu Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anand Kumar, Nandini, Prateek Srivastava, Renu Choukl
Counsel for Opposite Party(s)	:	G.A., Rama Shankar Mishra

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Prateek Srivastava, learned counsel for accused applicant, Sri Rama Shankar Mishra, learned counsel for informant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-**Bablu Kumar** to enlarge him on bail in Case Crime No. 983 of 2024, under Section 316 (5) of BNS, P.S.- Sikandrabad, District- Bulandshahr, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in FIR dated 21.11.2024 lodged by Sri Sushil Panchal, the Proprietor of the company named Om Engineering. The allegation in the FIR is that in the Financial Year 2023-24, the accused applicant, who was on the post of junior accountant, has misappropriated Rs.17 lakhs from the company's account and got it transferred to his own account. It is further contended that the accused applicant has been forced to make such a transfer on the dictates of the informant as the informant used to direct the accused applicant to transfer certain amounts to his account. The amount so transferred to his account has subsequently being transferred to the dictated accounts or taken out in

cash. In the preliminary enquiry being conducted in this matter, there is specific mention being made by the accused applicant in his statement that the amount has been transferred to his account on the pretext of the informant. He further submits that bona fide of the accused applicant is clear and explicit as no one misappropriates the account of the company and got it credited in his personal account. Further submits that it is because of saving the tax, the amount has been transferred. He further submits that the accused has no criminal history. The charge sheet is submitted. The accused applicant is languishing in jail since 24.11.2025. He seeks enlargement of accused on bail.

4. Learned counsel for informant and learned A.G.A. for State have opposed the bail application and submit that initially the previous counsel was ready to pay off Rs.17 lakhs as has been misappropriated from the company's fund but later on it is refused. Further submits that documents are clear and explicit that the amount has been transferred from the account of the company to the personal account of the applicant and his wife. Hence, the bail application be rejected.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considering that the amounts have been directly transferred from the account of the company to the account of applicant, which has further been transferred to other accounts or taken out in cash, gives a plausible defence that no employee could directly misappropriate the fund of the company to his account, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 6, 2026
Sharad/-

Digitally signed by :-
SHARAD KUMAR SRIVASTAVA
High Court of Judicature at Allahabad