2026:AHC:227413

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19338 of 2026

Mushtaque Alam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Dhananjay Kumar Pandey, Ravi Kumar Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Learned AGA for State hands up counter affidavit, the same is taken on record.

1A. Heard Sri Dhananjay Kumar Pandey, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Mushtaque Alam** to enlarge him on bail in Case Crime No. 143 of 2022, under Sections 409, 420, 467, 468, 471, 506 and 120B IPC, P.S.- Shaktinagar, District- Sonbhadra, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the FIR has been lodged on 03.10.2022 through an application under section 156(3) Cr.P.C. against three named persons and one anonymous person, wherein accused/applicant has not been named. Learned counsel submits that the matter relates to Shine City, wherein the company has advertised for the sale of plots and accepted money from the allottees. The informant and other persons were one of the allottees. It is the contention of learned counsel that during investigation it is found that the accused/applicant, who was initially the agent of Shine City became the Additional Director of the company with marginal role in the company but has been made a face of the company by the other co-accused, Rashid Naseem and Asif Naseem, who are the founder of the Shine City and the applicant has no role. The accused/applicant has criminal history of 51 cases, wherein in 47 cases, he is on bail and in four

cases, he is in jail. It is further contended that the accused is merely an employee of the company with no business. The charge sheet is submitted. The accused applicant is languishing in jail since 13.10.2021. The trial is still at nascent stage. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail.

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

6. Considering the role of accused/applicant, who is apparently the Additional Director of the company with no specific profile shown in the case diary whereas the other co-accused Amitabh Srivastava, who was named in the FIR has already been granted bail by the coordinate Bench of this Court, 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 ensure his presence either personally or through counsel before the trial court on every date.

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

(Avnish Saxena,J.)

November 2, 2026
Sharad/-

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