2026:AHC:208847

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25077 of 2025

Moh. Shavej

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abdul Zarrar Khan, Anil Kumar Mishra, Deepak Kumar Tripathi, Deepak Singh Patel, Muzzamil Jahid Ansari, Ravi Sahu, Yogesh Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A., Manu Raj Singh, Nidhi Singh, Rajesh Mani Tripathi

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Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Manu Raj Singh, learned counsel for the informant has hands up compliance affidavit in reply to the order dated 29.9.2026, wherein this Court has made a query about the sale of 126 mobile from 31.03.2024 to 31.10.2024 with no report of any fraud on the accused, the same is taken on record.

1A. Heard Sri Anil Kumar Mishra, learned counsel for accused applicant, Sri Singh, learned counsel for the informant and learned A.G.A. for the State.

2. The present bail application has been moved by the applicant accused-**Moh. Shavej** to enlarge him on bail in Case Crime No. 104 of 2024, under Sections 318(4), 316(2), 338, 336(3), 340(2), 61(2) of BNS, P.S.-Sisamau, District- Kanpur Nagar during the pendency of trial.

3. It is the contention of learned counsel for accused applicant that the accused applicant has not been named in the FIR dated 10.12.2024 lodged by Pushpendra Singh Chauhan against co-accused Pankaj Singh Kushwaha and 4 to 5 anonymous persons with the allegation that the co-accused Pankaj Singh Kushwaha is an employee of HDB Financing and he used to see the sales of the company of the mobiles purchased through

the Finance Company. It is he, who has prepared forged delivery orders and 126 handsets have been stolen, which amounted to Rs.50 lakhs, which was handed over to other persons. It is during the investigation that the name of the accused applicant has been figured out as there was some monetary transaction between accounts of Pankaj Singh Kushwaha and the accused applicant. It is further contended that the accused applicant is not instrumental in committing theft of the mobile or for preparing of the forged documents to surreptitiously transfer the handsets but he has made a payment of Rs.25 lakhs through the co-accused Yusuf. It is further contended that the accused applicant was not aware whether the mobile handsets were the stolen property. It is further contended that the co-accused Pankaj Singh Kushwaha has been granted bail by this Court, the entire allegation is on him. The charge sheet has been submitted. The applicant has no criminal history. The applicant is languishing in jail since 9.6.2025. The trial is still at the nascent stage. He seeks enlargement of accused on bail.

4. Learned counsel for the informant and learned A.G.A. have opposed the bail and submits that the accused applicant has the main role in purchasing the stolen mobiles, which have been misappropriated by the co-accused Pankaj Singh Kushwaha. There is specific evidence against the accused that there is transaction of Rs.25 lakhs made from his account, which was paid to the co-accused Pankaj Singh Kushwaha and therefore, his complicity cannot be denied in the matter. Further submits that there is complete nexus which operates. The mobile is a sensitive instrument, which could be misused against State and the safety is at peril. As such, submits that the bail application should 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 the role of accused applicant is of transferring of money to the co-accused Pankaj Singh Kushwaha to the tune of Rs.25 lakhs for the purchase of mobile, the entire allegation of interpolation of record is alleged against co-accused Pankaj Singh Kushwaha, who has been granted bail by a co-ordinate Bench of this Court; the accused applicant is languishing in jail since more than one year and the trial is still at the

nascent stage, the accused applicant is entitled to be enlarged 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
Krishna*

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