2026:AHC:230387

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38309 of 2026

Ajay Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sr. Advocate, Umesh Chandra Shukla, Vishvajeet Pandey
Counsel for Opposite Party(s)	:	Aushim Luthra, Irshad Husain, Satya Prakash Pandey

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. IInd Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.

2. Heard Sri Amit Daga, learned Senior Counsel assisted by Sri Vishvajeet Pandey, learned counsel for the applicant and Sri Irshad Husain, learned counsel for the informant, as well as Sri Rajendra Prasad Singh, learned State Law Officer and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No.** 1162 of 2024, **under Sections** 419, 420, 467, 468, 471, 504, 506 & 120-B of IPC, **Police Station** - Kotwali, **District** - Deoria, during the pendency of trial.

4. As per prosecution story, the applicant is alleged to have misappropriated a substantial sum of money belonging to the informant's liquor retail enterprise.

5. Learned Senior Counsel appearing for the applicant submits that the applicant has been falsely implicated in the instant case. It is contended that there is an inordinate and unexplained delay of over one year in lodging the FIR. Although the applicant had issued cheques towards the outstanding dues, the informant chose not to deposit them for realization and instead maliciously initiated these criminal proceedings. The dispute, being purely financial and civil in nature, has been given a criminal color by the informant.

6. Addressing the applicant's criminal history, learned Senior Counsel clarifies that one of the applicant's bail applications was rejected by this Court solely due to a technical non-explanation of his criminal antecedents. It is further submitted that the applicant is yet to move bail applications in two cases, while another two cases are currently pending trial. Furthermore, three bail applications including the present one are listed before this Court today.

7. Learned Senior Counsel also points out that the applicant's wife was similarly roped into the case falsely, and she has already been granted relief by a coordinate Bench of this Court in a writ petition as well as in a petition filed u/s 528 of BNSS. The applicant has been in continuous judicial custody since 01.06.2025.

8. Conversely, the learned counsel for the informant, along with the learned State Law Officer, have vehemently opposed the bail application. They contend that the applicant deliberately usurped the informant's money and has failed to return it. However, the learned counsel for the informant explicitly conceded that the informant has no grievance against the applicant other than the recovery and realization of the outstanding amount.

9. Considering the facts and circumstances of the case, the submissions advanced by the learned counsel for the parties, the nature of the accusation, the severity of the prescribed punishment, and particularly the fact that the dispute primarily arises out of a financial transaction with an unutilized cheque mechanism, alongside the period of incarceration already undergone by the applicant, this Court *prima facie* finds it a fit case to release the applicant on bail.

10. Accordingly, the bail application is **allowed**. Let the applicant- **Ajay Tiwari,** be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

11. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

November 4, 2026
Siddhant

(Krishan Pahal,J.)

Digitally signed by :-
SIDDHANT SAHU
High Court of Judicature at Allahabad