2026:AHC:227336

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31315 of 2026

Rahul Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Aanya Verma, Alok Saxena
Counsel for Opposite Party(s) : Abhishek Gupta, G.A., Rajesh Babu

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Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Alok Saxena, learned counsel for applicant hands up supplementary affidavit explaining the criminal history, the same is taken on record.

1A. Heard Sri Saxena, learned counsel for accused applicant, Sri Abhishek Gupta, learned counsel for informant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-**Rahul Sharma** to enlarge him on bail in Case Crime No. 183 of 2026, under Section 420 IPC, P.S.- Khurja Nagar, District- Bulandshahar, 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 09.03.2026 for the incident occurred between 25.06.2023 to 01.12.2023 wherein 13 persons have been named in the FIR with the allegation that co-accused Abhilash Sharma and Daanveer had entered into agreement to sale with the owner of the property on 16.12.2022 wherein Rs. 4.70 lakh has been transmitted to Deepak, the land was agreed for sale on consideration of Rs. 30 lakh. Later on the accused applicant has contacted the informant, who has passed on Rs. 10 lakh to Deepak the seller. It is the contention of learned counsel that the accused applicant was attributed with the role that he has contacted the informant for the sale of land directly in favour of the informant for which the amount has already been passed on. It is further contended that the amount which was transferred was returned to the

informant but despite that after a lapse of three years, FIR has been lodged. It is further contended that accused has criminal history of 25 cases, wherein some cases, he has been acquitted and in some of the cases, he is on bail. Charge sheet is submitted. The accused applicant is languishing in jail since 15.05.2026. He seeks enlargement of accused on bail.

4. Learned counsel for informant has opposed the bail application and submit that criminal history has not been explained properly. On query, learned counsel has drawn the attention of this Court towards paragraph 15 of the counter affidavit that the criminal history of five cases has not been explained. During argument, learned counsel submits that two cases have wrongly been mentioned in paragraph 15 (i) and 15 (ii). He further submits that Case Crime No. 834 of 2010 in paragraph 15(iii) is incorrectly mentioned, as it is Case Crime No. 833 in place of Case Crime No. 834. Further submits that these cases have been explained in supplementary affidavit filed today. Further submits that accused applicant is instrumental in cheating the informant as such seeks that the bail application be rejected.

5. Learned counsel for applicant submits that two cases shown in paragraph 15 (iv) and (v) of the counter affidavit, have been explained in the supplementary affidavit filed today. In Case Crime No. 833 of 2010 shown at paragraph 2 (ii) of the supplementary affidavit, it is mentioned that accused has been acquitted, whereas in Case Crime No. 213 of 2026, it is mentioned that notice under Section 41-A served on the accused applicant and thereafter there is no follow up action and in Case Crime No. 178 of 2026, the accused applicant is in jail.

6. Learned A.G.A. for State opposed the bail application.

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

8. Considering that the criminal history has been explained by the accused applicant, charge sheet is submitted and the role of accused applicant is of making an oral agreement with the informant for purchase of land from Deepak the original owner, which is prima facie a civil dispute, the

accused/applicant is entitled to be released on bail.

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

10. 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].**

11. 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