2026:AHC:227368

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31763 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.

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. 178 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 07.03.2026 for the incident occurred on 23.03.2022 wherein 8 persons have been named in the FIR including the accused applicant with the allegation that co-accused Kusum Devi and Girendra had entered into agreement to sale being the owner of the property on 22.03.2022 wherein the land was agreed for sale on consideration of Rs. 35 lakh. Further submits that Rs. 10 lakh has been transferred in the account of Kusum Devi and Rs. 10 lakh has been transferred in the account of Girendra. 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. It is further contended that the amount which was transferred, was returned to

the informant but despite that after a lapse of four 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. On query, learned counsel has drawn the attention of this Court towards the paragraph 13 of the counter affidavit that the criminal history of two cases have not been explained i.e. (i) Case Crime No. 213 of 2026 and (ii) Case Crime No. 178 of 2026. Further submits that this case has 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 13 (i) and (ii) of the counter affidavit, have been explained in the supplementary affidavit filed today. 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. Wherein 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 Kusum Devi and Girendra, 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