2026:AHC:212542

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35102 of 2026

Bholanath Chaudhary

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar, Sanjay Pathak
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Sanjay Pathak, learned counsel for accused applicant and learned A.G.A. for State.

1A. Learned counsel for the applicant hands up the supplementary affidavit annexing the document to show that the accused/applicant has deposited Rs. 10,98,306/- on 6.07.2024, Rs. 2,487/- on 23.01.2026 and Rs. 21,968/- on 05.11.2024, the same is taken on record.

2. The present bail application has been moved by the applicant/ accused- **Bholanath Chaudhary** to enlarge him on bail in Case Crime No. 79 of 2026, under Sections 409 IPC, P.S.- Thuthibari, District- Maharajganj, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant is Up-Dakpal. The FIR dated 10.06.2026 lodged by the officials of Post Office against the accused/applicant with the allegation that being Up-Dakpal, he has not deposited Rs. 10,98,306/- at the head office, which he collected from 16.12.2021 to 02.07.2024. It is the contention of learned counsel that the accused/applicant is Up-Dakpal at remote area. He has no proper place to keep the money in safe custody and has no chance to go to the head office. To deposit the same, he has kept the money with him in safe custody and later on demanded the same was deposited with the head office. The certificate of deposit is annexed through the supplementary affidavit. He submits that the applicant has no criminal history and he has no intention to commit embezzlement of fund. The accused applicant is

languishing in jail since 25.08.2026. 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 and complicity of the accused/applicant and the amount has already been deposited, 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 cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 9, 2026
Abhishek Sri.

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad