2026:AHC:207172

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 35253 of 2026

Jitendra Kumar Kushwaha

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Kumar Ashutosh Srivastava, Raghuvansh Misra, Sudhanshu Dwivedi |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 55**

**HON'BLE VIKRAM D. CHAUHAN, J.**

1. Learned A.G.A. for the State submits that instructions have been received and has no objection in case the bail application is heard on merits.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. It is submitted by learned counsel for applicant that applicant is not public servant and it is alleged that co-accused Ashwin Kumar Verma, who is Sub-Registrar has demanded a sum of Rs.80,000/-. Subsequently trap team was constituted and the amount was being handed over by the complainant to co-accused on whose direction applicant has received the same. It is submitted that co-accused Ashwin Kumar Verma, who is main accused has been enlarged on bail by this Court by order dated 25.9.2026 passed in Criminal Misc. Bail Application No.31539 of 2026. The applicant has no previous criminal history. Applicant is languishing in jail since 29.5.2026 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

4. Learned A.G.A. for the State opposed the prayer for bail but does not dispute factual matrix of the case.

5. Learned AGA for the State has not brought any fact or circumstances to indicate criminal history or antecedents of the applicant which would

disentitle the applicant for Bail.

6. It is not the case of the State that there is a possibility of interdicting fair trial by the accused-applicant if released on bail. No material has been shown that the Applicant is of such character that his mere presence at large would intimidate the witnesses or there is any material to show that applicant will use his liberty to subvert justice or tamper with the evidence.

7. The object of the bail is to secure the attendance of the accused, the detention of the accused pending trial cannot be punitive in nature as there is presumption of innocence in favour of the accused person. Learned A.G.A. has not brought any facts and circumstances to demonstrate that the character of the accused-applicant (s) is such that his mere presence at large would intimidate the witness.

8. Learned A.G.A. has not placed any reasonable apprehension of the witnesses being tampered with, the larger interest of the public/State will be at peril in case the Applicant is released on bail.

9. It is not the case of the State that the applicant has been convicted for any offence on previous occasion.

10. No material has been placed by the opposite party that the Applicant in the past has attempted to evade the process of law. Further, no material facts and circumstances have been placed to show that it is not in public interest or interest of society at large to release the applicant on bail.

11. No material has been shown to suggest that the applicant is at flight risk, has chance of repeating the offence, or intimidating the witness if enlarged on bail.

12. Considering the facts and circumstances of the case, nature of offence, evidence, complicity of the accused, submissions of learned counsel for the parties and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

13. Let the applicant **Jitendra Kumar Kushwaha** involved in Case

Crime No. 04 of 2026, under Sections 7/12 of Prevention of Corruption Act, 1988 (Amended Act, 2018), Police Station Kanpur Sector (Vigilance Establishment), District Kanpur Nagar be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

i. The applicant will not tamper with the evidence during the trial.

ii. The applicant will not pressurize/intimidate the prosecution witness.

iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted and/or the applicant shall make himself available for interrogation by a police officer as and when required.

iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

vi. The applicant shall not leave India without the previous permission of the Court.

vii. In the event, the applicant changes residential address, the applicant shall inform the court concerned about new residential address in writing.

14. In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

**(Vikram D. Chauhan,J.)**

**October 5, 2026**
D. Tamang

Digitally signed by :-
DHIRENDRA TAMANG
High Court of Judicature at Allahabad