2026:AHC:208518

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35497 of 2026

Mobin

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kushagra Srivastava, Saumya Srivastava, Shahrukh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Shahrukh, learned counsel for applicant hands up supplementary affidavit, the same is taken on record.

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

2. The present bail application has been moved by the applicant accused-**Mobin** to enlarge him on bail in Case Crime No. 150 of 2026, under Sections 303(2), 318(4), 317(2), 3(5) of BNS, P.S.- Titawi, District-Muzaffarnagar, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated during investigation in FIR dated 16.06.2026 lodged by the informant Amarpal against anonymous person with the allegation that on 09.06.2026, he went to the India One ATM to withdraw money at that time two persons came and they have taken his ATM Card for withdrawing the money. After two days, he came to know that his Rs. one lakh is siphoned out from his account and found that there is change of ATM Card. It is the contention of learned counsel that accused applicant has been arrested by the police in police encounter case, and Rs. 38,000/- was recovered. He submits that the arrest and recovery has been made in the absence of independent witness. There is no identification parade carried out. The applicant has criminal history of nine cases wherein eight cases, he is on bail and in one case, he has not moved bail application. The charge sheet is submitted. The accused

applicant is languishing in jail since 26.07.2026. He seeks enlargement of accused on bail.

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

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

6. Considering that the arrest and recovery has been made in the absence of independent witness and there is no identification parade carried out to identify the accused, 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 6, 2026
Sharad/-

Digitally signed by :-
SHARAD KUMAR SRIVASTAVA
High Court of Judicature at Allahabad