HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36429 of 2026

Alok Thakariya

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Chand, Balram Jee Verma
Counsel for Opposite Party(s)	:	G.A., Vinay Kumar Tripathi

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Balram Jee Verma, learned counsel for the accused-applicant, Sri Vinay Kumar Tripathi, learned counsel for the informant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Alok Thakariya** to enlarge him on bail in Case Crime No. 446 of 2026, under Sections 305, 317(3), 331(3), 3(5) BNS, P.S.- Jait, District-Mathura, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been falsely implicated in F.I.R. dated 22.06.2026 lodged by the informant Rakesh Prajapati with the allegation on three accused persons including the accused-applicant that they have stolen a bag of money on 09.06.2026. Further contended that the amount has not been disclosed in the F.I.R., which is already delayed. There is no explanation to the delay in F.I.R. Later on, the accused persons have been apprehended by the police on two cars bearing cash amount and jewellery worth Rs.2,90,10,000/-. Further contended that the arrest and recovery has been made in the absence of independent witness. There is no criminal history on the part of the accused-applicant. The charge sheet is submitted. Except the disclosure statement, there is no incriminating material against the accused-applicant. The applicant is in jail since 14.07.2026 and hence, the applicant seeks to be released on bail.

4. Learned counsel for the informant and learned A.G.A. for State have

opposed the prayer for bail of the applicant and submitted that the recovery has been made from the accused-applicant. The recovered items including the currency notes have been identified by the accused. The applicant has kept the bag of money in his room, while at Mathura, which was the amount of proceed received on the sale of the property, as the informant's son is taking diksha at Mathura. The accused-applicant became friend of the informant and the accused-applicant and other co-accused have connived and committed theft and hence, submits that the bail application be rejected.

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

6. Considered the prima facie delay in F.I.R.; non-disclosure of the stolen items, which was later on recovered in absence of independent witness and the identification carried out without showing the particulars.

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 28, 2026
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad