HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36744 of 2026

Adesh Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kapil Tyagi
Counsel for Opposite Party(s)	:	Abhinay Bhattacharya, G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Kapil Tyagi, learned counsel for the applicant, Sri Abhinay Bhattacharya, learned counsel for the informant, Ms. Ifrah Islam, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.184 of 2026, under Sections 318(4), 352, 351(2), 338, 336, 340(2) B.N.S., Police Station Hapur Dehat, Distict Hapur, during the pendency of trial.

4. As per the prosecution story, the applicant is stated to have duped the informant to the tune of Rs.1,84,00,000/- on one pretext or another.

5. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case and has nothing to do with the said offence. Not a single penny has been transferred to his account. The said transactions are stated to have been undertaken in cash, and the amount involved is too substantial to have been paid in cash. The FIR is delayed by about four years, as the alleged offence was initially committed in the year 2022, whereas the FIR was lodged on 02.05.2026. The charge-sheet has been submitted. The criminal history of one case assigned to the applicant stands explained. The applicant is in jail since 11.07.2026 and undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned A.G.A. have

vehemently opposed the bail application on the ground that the applicant has duped the informant to the tune of Rs.1,84,00,000/- by showing fake orders of this Court as well as the District Court. The applicant is a fraudster, and an amount of Rs.6 lakhs was also transferred to his account. As such, he is not entitled to bail. The informant had sought further investigation in the said case, and the said application has been allowed. Accordingly, the concerned police have been directed to undertake further investigation in the instant case vide order dated 09.10.2026 passed by the learned C.J.M., Hapur.

7. Learned counsel for the informant has placed much reliance on paragraph 12.3 of the judgment of Supreme Court passed in **Naveen Singh vs. The State of Uttar Pradesh & Another**, (2021) 6 SCC 191, which reads as under:

> "Apart from that forging and/or manipulating the court record and getting benefit of such forged/manipulated court record is a very serious offence. If the court record is manipulated and/or forged, it will hamper the administration of justice. Forging/manipulating the court record and taking the benefit of the same stands on altogether a different footing than forging/manipulating other documents between two individuals. Therefore, the High Court ought to have been more cautious/serious in granting the bail to a person who is alleged to have forged/manipulated the court record and taken the benefit of such manipulated and forged court record more particularly when he has been charge-sheeted having found prima facie case and the charge has been framed."

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and the fact that further investigation is pending, and without expressing any opinion on the merits of the case, prima-facie the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Adesh Sharma**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to

the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 24, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad