HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38788 of 2026

Sushil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Manoj Gautam, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 12 of 2026, under Sections 318(4), 111(2)(ii), 61(2), 238(2) B.N.S. and 66D I.T. Act, Police Station Cyber Crime Police Thana Banda, District Banda, during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The name of the applicant was disclosed by co-accused Prem Prakash Shukla while in police custody. The said statement, insofar as it implicates the applicant, is unreliable. False recovery of two mobile phones, three ATM cards, a driving licence, a PAN card and Indian currency of Rs.7,500/- has been shown from the applicant. There is no independent witness to the alleged recovery. The alleged articles do not connect the applicant with any offence. No amount relating to any illicit transaction has been credited to the bank account of the applicant. The applicant is not a beneficiary of any illicit transaction. The applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. The applicant is in jail since 12.07.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the

record, this Court prima facie finds that the name of the applicant was disclosed by co-accused Prem Prakash Shukla while in police custody. There is no independent witness to the alleged recovery. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Sushil Kumar**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;
(ii) shall not tamper with the prosecution evidence; and,
(iii) shall not pressurize the prosecution witnesses.

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

November 2, 2026
Manish Kr

(Vivek Varma,J.)

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