HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38158 of 2026

Gaurav Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Piyush Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of the recovery memo, produced by Sri S. S. Pandey, learned AGA is taken on record.

2. Heard learned counsel for the applicant, Sri S. S. Pandey, learned A.G.A. for the State. Perused the material available on record.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 35 of 2026, under Sections 318(4), 111, 3(5), 336(3), 338, 340(2) B.N.S., Police Station- Cyber Crime, District-Muzaffarnagar, during pendency of the trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The alleged mobile numbers namely, 9917004537, 9105207357 and 9289666374, from which calls were made to the informant, do not belong to the applicant. No amount relating to the alleged transaction has been credited to the bank account of the applicant. The applicant is not beneficiary of any illicit transaction. Only allegation against the applicant is that he recharged the two mobile numbers, from which calls were made to the informant. It is contended that aforesaid allegation, by itself, does not link the applicant with the alleged offence. Recovery of iPhone 17 Pro has been shown from the applicant. The said iPhone belongs to the applicant. Recovery of certain certificates has also been shown from the applicant. It is next contended that the alleged recovery is false and planted. The said certificates did not connect the applicant with the alleged offence. There is no independent witness to the alleged recovery. The case of the applicant is distinguishable from that of other co-accused. 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 23.09.2026

having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court prima facie finds that the alleged mobiles numbers from which calls were made to the informant do not belong to the applicant. There is no independent witness of the alleged recovery. Further, the applicant has no criminal antecedents and has remained confined for more than a month and there is no hope of early conclusion of trial, more so when 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Gaurav Kumar,** involved in the aforesaid case crime 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 conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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

October 27, 2026
Abhishek

(Vivek Varma,J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad