2026:AHC:208977

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43443 of 2025

Santosh Kumar Mishra

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Praveen Yadav, Raghavendra Sharan Tiwari, Ravi Jha, Ravindra Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Rejoinder affidavit filed today by learned counsel for the applicant is taken on record.

2. Heard Sri Raghavendra Sharan Tiwari, learned counsel for the applicant, Sri Shiv Dutt Shukla, learned AGA for the State-respondents and perused the record.

3. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 647 of 2024 under Sections 111, 318, 336(3), 340(2), 352, 351(3), 61(2) BNS and 3/21 of Banning of Unregulated Deposit Scheme Act, 2019 registered at Police Station Kotwali Lalitpur, District Lalitpur during pendency of the trial.

4. It is contended by learned counsel for the applicant that applicant is not named in the FIR and his name has surfaced in the confessional statement of co-accused Vipul who has been granted bail by this Court vide order dated 22.5.2025 passed in Crl. Misc. Bail Application No. 17612 of 2025. It is further submitted that similarly placed co-accused Raghvendra Singh who is also said to be a member of the Board has also been granted bail by a Co-ordinate Bench of this Court vide order dated 23.4.2025 passed in Crl. Misc. Bail Application No. 24777 of 2025. It is also submitted that 18 other co-accused persons have also been enlarged on bail by different Co-ordinate Benches of this Court. It is also submitted that applicant has criminal history

of 25 cases which has been duly explained in the rejoinder affidavit and he has been languishing in jail since 27.3.2025. It is lastly submitted that in case applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant and submits that applicant is a member of the Board and as per the allegations, co-accused persons are said to have formed a fake company and induced the public at large to make investment in the said company on false promise of getting their investment doubled in five years.

6. Applicant is not named in the FIR as per which, five co-accused persons are said to have formed a company and the said company is said to have induced public at large to make investment in the company on false promise of getting their investment doubled in five years. Co-accused Vipul has been granted bail by this Court and similarly placed co-accused Raghvendra Singh who is said to be a member of the Board and 18 other co-accused persons have also been enlarged on bail by different Co-ordinate Benches of this Court. Applicant has criminal history of 25 cases which has been duly explained in the rejoinder affidavit and he has been languishing in jail since 27.3.2025.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in ***2024 SCC Online All 6765*** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant **Santosh Kumar Mishra** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of ***Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021*** decided on 31.01.2023 reported in ***(2024) 10 SCC 685.***

(Jitendra Kumar Sinha,J.)

October 6, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad