



2026:AHC:57005

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2004 of 2026**

Aftab Ahamad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Ajay Kumar Srivastava, Alkeshwar Kumar
Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Alkeshwar Kumar Singh, learned counsel for the applicant, Sri Manoj Gautam learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no. 35 of 2025 under Sections 409, 420, 467, 468, 471 IPC, Police Station Raunapar, District Azamgarh with the prayer that in the event of arrest, the applicant may be released on bail.
3. It is contended by learned counsel for the applicant that co-accused Sher Mohammad has already been granted anticipatory bail by this Court vide order dated 17.2.2026 in Anticipatory Bail Application No. 1596 of 2026. It is further submitted that other co-accused persons have also been granted anticipatory bail. The applicant undertakes to co-operate during trial and to appear as and when required by the investigating agency or Court and in case he is granted anticipatory bail, he shall not misuse the liberty of bail and would obey all conditions of bail.
4. On the other hand, learned A.G.A. opposed the prayer for grant of anticipatory bail and submits that embezzlement of Rs. 1,86,00,000/- has been caused by the accused persons. It is further submitted that the main role of embezzlement has been assigned to co-accused Kalamuddin.
5. In reply, learned counsel for the applicant submits that applicant is a teacher, working on contractual basis in the Madarsa. Therefore, he is not responsible for any embezzlement.
6. I have considered the rival submissions made by learned counsel for the

parties.

7. As per the FIR, the accused persons are said to have embezzlement of Rs. 1,86,000/- on the pretext of renovation of Madarsa. The main role has been assigned to the co-accused Kalamuddin. The co-accused Sher Mohammad has already been granted anticipatory bail by this Court

8. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, the Court must consider nature and gravity of accusation, antecedents of the accused, possibility of accused to flee from justice and that Court must evaluate the entire available material against the accused carefully and the exact role of accused has also to be taken into consideration.

9. Considering all attending facts and circumstances of the case, settled principle of law regarding anticipatory bail, submissions of learned counsel for the parties, nature of accusation, role of applicant and without expressing any opinion on merits, a case for anticipatory bail is made out.

10. The anticipatory bail application is **allowed**.

11. In the event of arrest of the applicant **Aftab Ahamad** involved in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and shall appear before the trial Court either in person or through counsel on each and every date fixed unless exempted by the Court concerned and shall not seek any undue adjournment;

(ii) 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

12. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

March 18, 2026
Vandana

(Jitendra Kumar Sinha,J.)