



2026:AHC:26767

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3312 of 2026

Ashish Shukla

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Abhinav Jaiswal, Nidhi
Counsel for Opposite Party(s) : G.A., Padmaker Pandey

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sushil Kumar Shukla, learned Senior Counsel assisted by Sri Abhinav Jaiswal, learned counsel for the applicant; Sri V.P. Srivastava and Sri Rakesh Pandey, learned Senior Counsels; Sri Padmaker Pandey, learned counsel for the informant; as well as Sri Manish Goyal, learned Additional Advocate General assisted by Sri Pankaj Saxena, learned A.G.A.-I for the State, and perused the record.
3. Applicant seeks bail in Case Crime No.89 of 2025, under Sections 420, 467, 468, 471 I.P.C., Police Station Kotwali, District Kanpur Nagar, during the pendency of trial.

PROSECUTION STORY:

4. An application was submitted by the informant, Aridaman Singh, who is an advocate at the Kanpur District Court, to the President, Kanpur Bar Association, supported by an affidavit, stating that the applicant, Ashish Shukla, advocate, who is registered with the Bar Council of Uttar Pradesh under Registration No.7254 of 2001, at Serial No.2337 of the voter list of the Kanpur Bar Association and holding Bar Council C.O.P. No.124010, had forged his educational documents and got himself registered with the Bar Council of Uttar Pradesh on the basis of the said documents. It was also prayed that the matter be forwarded to the Police Commissionerate, Kanpur.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The application moved by the informant before the President of the local

Bar Association was not in accordance with legal procedure and that only the competent authority, namely the Bar Council of Uttar Pradesh, was empowered to verify the genuineness of the educational credentials of the applicant, who is registered as an advocate therein.

6. The President of the Kanpur Bar Association, namely Indeever Bajpai, due to personal rivalry, took cognizance of the said complaint and, without there being any resolution of the Bar Association, empirically forwarded the informant's complaint dated 23-01-2025 to the Commissioner of Police, Kanpur Nagar, along with his covering letter dated 28-01-2025, with a recommendation that an FIR be lodged against the applicant for procuring a fake LL.B. degree and getting himself illegally registered as an advocate.

7. The President of the Kanpur Bar Association is an interested person in the case, as he had appeared as counsel for the plaintiff, Harish Khatri, in Miscellaneous Appeal No.67 of 2025 (Harish Khatri and Others vs. Jawahar Vidya Samiti and Others) before the learned District and Sessions Judge, Kanpur Nagar. The said case was instituted against the father of the applicant, who was representing his institution, namely Jawahar Vidya Samiti.

8. On the basis of the recommendation made of the President of the Kanpur Bar Association, the police instituted FIR No.89 of 2025, under Sections 420, 467, 468, and 471 I.P.C. at Police Station Kotwali, District Kanpur Nagar.

9. The Secretary of the Kanpur Bar Association, vide his letter dated 17-03-2025 addressed to the Commissioner of Police, Kanpur Nagar, refuted the actions of the President, stating that the by-laws and rules of the Bar Association had not been followed while forwarding the said application.

10. A notice was served upon the applicant on 28-04-2025 by the Investigating Officer, demanding his educational certificates. The applicant, in compliance with the said notice, furnished the documents on 03-05-2025 by supplying his B.Com. educational certificate as well as his Bar Council registration certificate. The applicant sought further time as his high school and intermediate certificates were missing.

11. Thereafter, on 10-05-2025, the Investigating Officer again served a notice upon the applicant calling upon him to produce the mark sheet and

transfer certificate of Class-XIIth. In response, the applicant replied on 17-05-2025 by furnishing copies of the educational certificates relating to Class-Xth for the year 1992, stating that the documents pertaining to Class-XIIth were missing, therefore, he lodged an e-complaint on 05-05-2025, a copy of which was also supplied to the Investigating Officer.

12. Except for the educational certificates relating to Class-XIIth, all other documents were furnished by the applicant to the Investigating Officer, and furnishing the Class-XIIth documents was beyond his capacity as they were found missing.

13. In the meantime, the applicant had already been granted anticipatory bail. Instead of procuring and verifying the Class-XIIth documents, the Investigating Officer, in collusion with the informant, moved an application before the learned Sessions Judge, Kanpur Nagar, seeking cancellation of anticipatory bail dated 21-04-2025 on the ground that the applicant had failed to furnish his Class-XIIth certificate.

14. To the utter dismay of the applicant, the learned Sessions Judge, without applying judicial mind, erroneously cancelled the anticipatory bail granted to the applicant on 21-04-2025 vide its order dated 15-11-2025. The applicant challenged the said order by filing Criminal Miscellaneous Anticipatory Bail Application No.10138 of 2025 before this Court.

15. In the meantime, on 17-12-2025, the applicant was arrested from Nainital, where he was on vacation. The arrest memo does not mention the grounds of arrest and merely states that a reward of Rs.25,000 had been declared against the applicant. As such, the arrest is illegal and arbitrary.

16. The proclamation of reward against the applicant was garnered within a short span of about one month from the cancellation of anticipatory bail. The said reward was not legally permissible in terms of Regulation 464(A), Chapter 31 of the U.P. Police Regulations, as no process under Sections 82 or 83 Cr.P.C. had been initiated against the applicant by any competent court.

17. Pursuant to the arrest of the applicant on 17-12-2025, Anticipatory Bail Application No.10138 of 2025, moved on behalf of the applicant, was dismissed as withdrawn, having been rendered infructuous.

18. The applicant has been falsely implicated in the present case at the

behest of the President of the Kanpur Bar Association, Shri Indeever Bajpai, in collusion with the informant, who acted as his henchman.

19. The deponent, being the father of the applicant and living separately, is unable to furnish the educational documents of the applicant.

20. The applicant had cleared his intermediate examination in the session 1994-1995 from D.A.V. College, Kanpur Nagar. The name of the applicant's father appears differently in various educational documents as 'Sudhir Shukla' and 'S.D. Shukla', which is merely a clerical error. The documents pertaining to Class-XIIth of the applicant have been destroyed by termite and are therefore impossible to be furnished.

21. The criminal history of seven cases assigned to the applicant stands duly explained, as detailed below:-

"(i). Case Crime No.130 of 2020, u/s 323, 332, 553, 504, 506 I.P.C., PS- Swaroop Nagar, District Kanpur Nagar.

In this case, the Accused-Applicant stands acquitted vide judgment and order dated 20.12.2022 passed by the court of Ld. A.C.J.M., Court No. 2, Kanpur Nagar.

(ii). N.C.R. No.8 of 2016. u/s 504, 506, 507 I.P.C., PS- Swaroop Nagar, District Kanpur Nagar.

This N.C.R. was never investigated by the police nor any complaint by its informant was ever instituted against the Accused-Applicant in any court of law.

(iii). Case Crime No.224 of 2016, u/s 147, 323, 342, 420, 467, 468, 471, 504, 506 I.P.C., PS- Kalyanpur, District Kanpur Nagar.

In this case, the police had submitted Final Report after investigation, which was accepted judicially vide order dated 18.3.2024 passed by Ld. A.C.J.M. Court No. 2, Kanpur Nagar.

(iv). Case Crime No.328 of 2015, u/s 147, 506 I.P.C., PS- Kakadev, District Kanpur Nagar.

In this case, the Accused-Applicant stands acquitted vide judgment and order dated 17.4.2025 passed by the court of Ld. J.M., Court No. 1, Kanpur Nagar.

(v). Case Crime No.289 of 2015, u/s 147, 148, 149, 307, 336, 427 I.P.C. r/w S. 7 Criminal Law Amendment Act, PS- Kakadev, District Kanpur Nagar.

In this case, the Accused-Applicant stands acquitted vide judgment and

order dated 17.4.2017 passed by the court of Ld. District and Session Judge, Kanpur Nagar.

(vi). Case Crime No.171 of 2004, u/s 307, 504, 506 I.P.C., PS- Nawab Ganj, District Kanpur Nagar.

In this case, the police had expunged the FIR and no investigation ever took place against the Accused-Applicant.

(vii). Case Crime No.109 of 2002, u/s 553, 504 I.P.C., PS- Kohana, District Kanpur Nagar.

In this case, the Accused-Applicant stands acquitted vide judgment and order dated 5.6.2023 passed by the court of Ld MM, Court No. 4, Kanpur Nagar."

22. The informant himself is a criminal and is presently incarcerated in jail in a case under the U.P. Gangsters Act, bearing F.I.R. No.231 of 2025. Another F.I.R. No.425 of 2020, under Sections 147, 148, 149, 307, 302, 34, 120B I.P.C. r/w S. 7 Criminal Law Amendment Act, Police Station Chakeri, District Kanpur Nagar, is also pending against him.

23. The applicant has a son aged about 25 years and a daughter aged about 22 years, both of whom are pursuing their law degrees and are dependent upon him.

24. The offence under Section 467 I.P.C. is not made out against the applicant, as he has not forged any documents falling within the category of valuable securities. Even otherwise, the offences under Sections 420, 467, and 471 I.P.C. are punishable with imprisonment of less than seven years and are triable by Magistrate.

25. The applicant is in jail since 18-12-2025 and is ready to cooperate with the trial. In case, he is released on bail, he will not misuse the liberty of bail.

26. Much reliance has been placed on the judgment of Supreme Court passed in ***Shriniwas Pandit Dharamadhikari vs. State of Maharashtra, (1980) 4 SCC 551***, which reads as under:-

"The appellant was convicted of offence under Sections 417, 420 read with Section 511 and Section 471 read with Section 467 of the Penal Code, 1860 and sentenced to various terms of imprisonment and fine for those offences. Having heard counsel for both sides we do not find any reason to disturb the order of conviction in respect of offences under Sections 417 and 420 read with Section 511 but as regards the offence under Section 471 read with Section 467 IPC we do not think that the two certificates the appellant has been

found to have forged to get admission in the Arts and Commerce College affiliated to Poona University could be described as "valuable security" as the expression is defined in Section 30 of the Penal Code, 1860. We therefore alter the conviction under the aforesaid sections to one under Section 471 read with Section 465 of the Penal Code, 1860. However, having regard to the facts and circumstances of the case we set aside the sentences passed against the appellant and remit the matter to the trial court to consider, as provided in Section 6 of the Probation of Offenders Act, 1958, whether the appellant should be given the benefit of Section 4 of the said Act. If the trial court does not find it expedient to release the appellant on probation of good conduct under Section 4 of that Act, it should then pass proper sentences on the appellant for the offences of which the appellant has been found guilty. The fine imposed on the appellant, if paid, shall be refunded. The appeal is disposed of as above."

27. Much reliance has also been placed on the judgments of Supreme Court passed in ***Mihir Rajesh Shah vs. State of Maharashtra and Another*** reported in ***(2026) 1 SCC 500***, ***Vihaan Kumar vs. State of Haryana and Another*** reported in ***(2025) 5 SCC 799***, ***Ashish Kakkar vs. UT of Chandigarh*** reported in ***2025 SCC OnLine SC 1318*** and ***Directorate of Enforcement vs. Subhash Sharma*** reported in ***2025 SCC OnLine SC 240***, which are regarding non-supply of grounds of arrest to the accused.

ARGUMENTS ON BEHALF OF INFORMANT:

28. The applicant is a person with criminal antecedents and did not comply with the conditions of the anticipatory bail granted to him by the Sessions Judge, Kanpur Nagar, whereby he was directed to furnish his complete educational credentials before the Investigating Officer. The applicant has categorically stated that the documents pertaining to his Class-XIIth mark sheet were destroyed by termite. However, this claim stands falsified by the fact that other documents relating to his educational qualifications remain intact, which negates the said story. Had the termite destroyed the educational documents, the destruction would have extended to all such documents. It is inconceivable how termite could selectively destroy only the Class-XIIth certificate.

29. The Officiating Principal of Christ Church Inter College, Kanpur provided information to the President of the Kanpur Bar Association, Kanpur Nagar, stating that the applicant had failed in the Class-XIIth examination in the year 1994 under Roll No.0251116. There is a discrepancy in the parentage of the applicant as mentioned in the Class-Xth and Class-XIIth school certificates, and no correction has ever been

sought or made at the instance of the applicant.

ARGUMENTS ON BEHALF OF STATE:

30. In the year 1992, the applicant appeared in the High School examination under Roll No.0527908, wherein his parentage was recorded as S.D. Shukla. Subsequently, he failed in the Class-XIIth examination under Roll No.0251116. The said certificate was provided to the Assistant Police Commissioner, Kotwali Commissionerate, Kanpur Nagar, by the Additional Secretary, Madhyamik Shiksha Parishad, Regional Office, Prayagraj, on 18-03-2025.

31. The applicant falsely represented himself as having passed the Class-XIIth examination in the year 1994 in the second division with 52% marks in the examination forms filled at different levels. The applicant, despite having failed the Class-XIIth examination, furnished his graduation and law degrees on the basis of the said forged documents only.

32. The applicant is a practicing advocate who secured his registration on the basis of forged and fabricated documents and is thereby playing with the lives and liberty of innocent and helpless litigants. As such, he is not entitled to be granted bail.

CONCLUSION:

33. The defence of the applicant that the termite has selectively destroyed the Class-XIIth certificate cannot be believed. The said fact also stands falsified from the report received from the board officials, whereby it is mentioned that the applicant had failed in the said Class-XIIth examination.

34. There is a Sanskrit Shloka, which reads as under:-

"आचारः परमो धर्मः।

Meaning: Righteous conduct is the highest duty."

35. Thus, for those upholding the law, their behavior is more important than their words.

36. An advocate is not merely a professional engaged in litigation; he is an officer of the Court and a vital pillar in the administration of justice. The nobility of the legal profession rests upon unwavering integrity, honesty, and fidelity to the rule of law. When an advocate himself resorts to

illegality—more so by forging his own credentials to gain entry into the profession—it constitutes a grave and deliberate fraud upon the institution of justice. Such misconduct strikes at the root of public confidence in the judicial system. The Court cannot afford to show leniency in matters of this nature, for any misplaced sympathy would amount to compromising the sanctity and credibility of the legal profession.

37. The material on record *prima facie* establishes that the applicant had failed in the Class-XIIth examination and yet falsely represented himself as having passed the same by projecting forged and fabricated educational documents, on the basis of which he not only obtained his graduation and law degrees but also secured registration as an advocate. The explanation put forth by the applicant regarding the alleged destruction of the Class-XIIth documents by termite appears impossible, especially when other educational records are admittedly intact, rendering his defence doubtful at this stage.

38. The applicant also failed to comply with the specific conditions imposed while granting anticipatory bail, which reflects his disregard for the judicial process. The allegations relate to serious offences involving cheating and forgery, striking at the very root of the legal profession and eroding public confidence in the administration of justice.

39. After hearing learned counsel for the parties and taking into consideration the aforementioned facts and circumstances of the case, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

40. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

41. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

February 6, 2026

(Ravi Kant)