



2026:AHC:124608

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15830 of 2026

Azeem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Irshad Ahmad, Shivam Tripathi
Counsel for Opposite Party(s)	:	Avinash Chandra Srivastava, G.A.

Court No. - 6

HON'BLE ANIL KUMAR-X, J.

1. Heard Sri Irshad Ahmad, Advocate Sri Shivam Tripathi, learned counsel for the applicant, Sri Avinash Chandra Srivastava, learned counsel for informant and Sri Acharya Rajesh Tripathi, learned AGA for State-respondent.

2. The instant bail application has been filed on behalf of the applicant with a prayer that this Hon'ble Court may graciously be pleased enlarge the applicant on bail in Case Crime No.110 of 2026, under Section 115(2), 352, 109(1), 351(3), 118(2), 324(4) B.N.S, at Police Station Bistrakh, District Gautambuddha Nagar, during the pendency of the Trial before the Court Below.

3. Learned counsel for the applicant submitted that the name of the applicant was not mentioned in the F.I.R. However, his name was subsequently added as an accused after the statements of the injured persons were recorded during the course of investigation. He submitted that the F.I.R. was lodged against three persons. Out of them, two co-accused, namely Shahrukh, has been granted bail by a Coordinate Bench of this Court vide order dated 20.5.2026 passed in Criminal Misc. Bail Application No. 16163 of 2026 (Shahrukh v. State of U.P.), and another co-accused, Firoz, has also been granted bail by a Coordinate Bench of this Court vide order dated 27.5.2026 passed in Criminal Misc. Bail Application No. 17394 of 2026 (Firoz v. State of U.P.). It was, therefore, contended that the case of the applicant stands on parity with the co-accused who have already been enlarged on bail. Learned counsel further submitted that the applicant has been in judicial custody since 15.2.2026. It was argued that, in the event of his release on bail, he shall not misuse the liberty of bail, shall not evade the course of justice, and shall cooperate with the trial proceedings.

4. Per contra, learned A.G.A. for the State as well as learned counsel for the informant submitted that the applicant has deliberately withheld the statement of the injured, Vedant. It was submitted that the F.I.R. was lodged by the father of the injured Vedant, who was not an eyewitness to the incident. According to the learned counsel, it was incumbent upon the applicant to place on record the statement of the injured Vedant. It was further submitted that Vedant was brutally assaulted by the applicant and his associates, who inflicted severe injuries on his head. His skull was found fractured, and he remained admitted to the hospital for ten days for treatment. It was contended that, in the absence of the statement of the injured Vedant, no proper assessment of the specific role attributed to the present applicant can be made.

5. Heard learned counsel for the parties and perused the material available on record.

6. It is apparent that three persons were named as accused in the F.I.R. The name of the present applicant did not find mention therein. It is also evident that the F.I.R. was lodged by the father of the injured, who was not present at the spot at the time of the incident. The record further indicates that the injured was admitted to the hospital immediately after the occurrence. Be that as it may, there is no dispute that the names of the co-accused, Firoz and Shahrukh, who have already been granted bail, were also disclosed by the injured persons during the investigation. Therefore, the role attributed to the present applicant cannot be distinguished from that of the aforesaid co-accused who have already been enlarged on bail by this Court.

7. Having heard learned counsel for the parties and considering the fact that the co-accused have already been granted bail by Coordinate Benches of this Court, this Court finds that the applicant is entitled to be released on bail on the ground of parity. Accordingly, the bail application is allowed.

8. Let the applicant- **Azeem**, 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 the court concerned with the following conditions that :-

- (i). The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
- (ii). The applicant shall cooperate in the trial 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.

9. In the event of breach of any of the aforesaid conditions, the court concerned shall be at liberty to take appropriate coercive measures for securing the presence of the accused and/or to cancel the bail granted to him in accordance with law. The identity, status, and proof of residence of the applicant as well as the sureties shall be duly verified by the court concerned before acceptance of the bail bonds.

June 2, 2026
Mukesh

(Anil Kumar-X,J.)