



2026:AHC:168505

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25990 of 2026

Sukhendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akash Tomar

Counsel for Opposite Party(s) : G.A., Krishna Kant Dubey, Santosh
Kumar Dubey

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Heard Sri Akash Tomar, learned counsel for the applicant, Sri Krishna Kant Dubey, learned counsel for the informant and learned AGA for the State and perused the record of the case.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 69 of 2026, under Sections 318(4), 338, 336(3), 340(2), 333, 352 and 351(2) BNS, Police Station Kotwali City, District Bijnor, during pendency of the trial.

Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case due to ulterior motives. It is submitted that though the applicant is the executor of the said gift deed, but the applicant and the informant are related to each other. It is further submitted that, prior to the registration of the present FIR, the informant had moved an application under Section 173(4) of the BNSS, which was rejected by the concerned court upon finding that the dispute between the parties was civil in nature. Thereafter, the informant also moved an application before the Superintendent of Police, which was also rejected on the same ground, observing that the dispute was essentially civil in nature. It is further submitted that the aforesaid gift deed has also been challenged by the informant by filing Original Suit No. 230 of 2025, which further demonstrates the civil nature of the dispute between the parties. Learned counsel further submits that the co-accused, namely Rampal has already been enlarged on bail by this Court

vide order dated 28.07.2026 passed in Criminal Misc. Bail Application No. 24772 of 2026. It is next submitted that the applicant has no criminal history apart from the present case and has been languishing in jail since 09.05.2026. It is also submitted that the charge-sheet has already been filed.

To substantiate his submissions, learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Subrata Chaudhary @ Santosh Chaudhary & Others v. The State of Assam & Another*** reported in **2024 SCC OnLine SC 3126**, particularly paragraph 25 thereof, which is quoted hereinbelow:-

"25. After referring to the aforesaid decisions in Samta Naidu's case (supra) this Court further held in Paragraph 13 thus: -

"13. The application of the principles laid down in Talukdar in Jatinder Singh shows that "a second complaint is permissible depending upon how the complaint happened to be dismissed at the first instance". It was further laid down that: (Jatinder Singh case, SCC p. 573, para 12) "12. If the dismissal of the complaint was not on merit but on default of the complainant to be present there is no bar in the complainant moving the Magistrate again with a second complaint on the same facts. But if the dismissal of the complaint under Section 203 of the Code was on merits the position could be different." "To similar effect are the conclusions in Ranvir Singh and Poonam Chand Jain. Para 16 of Poonam Chand Jain also considered the effect of para 50 of the majority judgment in Talukdar. These cases, therefore, show that if the earlier disposal of the complaint was on merits and in a manner known to law, the second complaint on "almost identical facts" which were raised in the first complaint would not be maintainable. What has been laid down is that "if the core of both the complaints is same", the second complaint ought not to be entertained." (underline supplied)"

It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

The prayer for bail has been vehemently opposed by learned A.G.A.

Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties, this Court is of the view that the applicant

is entitled to be enlarged on bail during the pendency of the trial.

Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

Let **applicant, Sukhendra Singh** be released on bail in the aforesaid case on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- (i). The applicant will not tamper with the evidence during the trial.
- (ii). The applicant will not pressurize/ intimidate the prosecution witness.
- (iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (v). 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.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

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.

(Jai Prakash Tiwari,J.)

August 11, 2026
Brijesh