



2026:AHC:163523

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26289 of 2026

Dharmendra Rawal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Ali Imam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Syed Ali Imam, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 71 of 2026, under Sections 103(1), 238, 61(2) BNS, Police Station Dadri, District Gautam Budh Nagar during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against unknown persons and during investigation one Rohit was made accused and when he was arrested and his statement was recorded by the police then he disclosed the name of applicant. He further submits, it reflects, with the aid of Section 61(2) BNS applicant has been made accused in the present matter but entire allegation made against applicant is totally false.
4. He further submits, even if co-accused Rohit used the motorcycle of the applicant then also it cannot be said that applicant hatched the conspiracy along with him. He further submits, there is no cogent and admissible evidence of hatching conspiracy against the applicant on record.
5. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 20.02.2026.
6. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

7. I have heard learned counsel for the parties and perused the record of the case.

8. FIR of the present case was lodged against unknown persons but during investigation applicant has been made accused through the statement of co-accused Rohit and as per prosecution, applicant provided his motorcycle to co-accused Rohit and thereafter he committed the murder of the deceased along with other accused, therefore, it reflects, during investigation with the aid of Section 61(2) BNS applicant has been made accused in the present matter but record further suggests that except the bald and verbal allegation, statement of co-accused and confessional statement of applicant before police there is no cogent evidence of hatching conspiracy against the applicant on record.

9. This Court finds merit in the argument advanced by learned counsel for applicant that even if a co-accused used the vehicle of a person then without any cogent evidence it cannot be said that owner of the vehicle also hatched the conspiracy along with principal accused.

10. Further except the hatching conspiracy there is no other allegation against the applicant on record.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 20.02.2026.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

14. Let the applicant - **Dharmendra Rawal** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. 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.

August 5, 2026
AK Pandey

(Sameer Jain,J.)