



2026:AHC:165071

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 26309 of 2026**

Rahul

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Sunil Kumar Tiwari |
| Counsel for Opposite Party(s) | : | G.A.               |

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**Court No. - 65**

**HON'BLE SAMEER JAIN, J.**

1. Heard Sri Sunil Kumar Tiwari, learned counsel for the applicant and Dr. S. B. Maurya, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 191 of 2025, under Sections 103(1), 140(1), 238, 3(5) BNS & Section 3/25/27 Arms Act, Police Station Achhalda, District Auraiya, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that applicant is innocent and on the basis of false allegations he has been made accused in the present matter alongwith 8 others including co-accused Sukhani@Sukesh and Rajnesh and both the co-accused have been released on bail by this Court.
4. He further submitted that co-accused Sukhani@Sukesh and Rajnesh have been released on bail by this Court vide orders dated 22.7.2026 passed in Crl. Misc. Bail Application Nos. 25117 of 2026 and 25119 of 2026 and case of applicant is at par with them.
5. He further submitted that however, apart from the present case, applicant is having criminal history of eight other cases but his criminal history has been explained in the instant bail application and in all the cases, police falsely implicated him.
6. He further submitted that in the present matter applicant is in jail since 30.10.2025 i.e. for last more than 9 months.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute

the arguments on facts advanced by learned counsel for the applicant.

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

9. However, apart from the present case, applicant is having criminal history of eight other cases and he is also named in the FIR but it reflects, on the basis of general and omnibus allegations, he has been made accused alongwith as many as 8 others including co-accused Sukhani@Sukesh and Rajnesh and both the above co-accused have been released on bail by this Court and on facts, case of applicant is at par with them.

10. Further, criminal history of the applicant has been explained in the instant bail application and considering his criminal history, the argument advanced by learned counsel for the applicant that police is highly inimical with him, cannot be ruled out, at this stage.

11. Further, considering facts of the case, in view of this Court, merely on the basis of criminal antecedents of the applicant, it is not proper to withhold his bail application.

12. Further, in the present matter applicant is in jail for last more than 9 months.

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

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

15. Let the applicant-**Rahul**, 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.

16. 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.

17. 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 6, 2026**  
Ankita

**(Sameer Jain,J.)**