



2026:AHC:164611

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26436 of 2026

Prince

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Kumar, Nandini, Renu Choukl
Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Supplementary affidavit filed on behalf of applicant is taken on record.

Heard learned counsel for the applicant and learned AGA for the State-respondent and perused the record of the case.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 367 of 2025, under Sections 303(2), 317(2), 317(5) BNS, Police Station- Simbhawali, District- Hapur, during pendency of the trial in the court concerned.

Learned counsel for the applicant submitted that the applicant is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. The present FIR has been lodged against unknown person with regard to theft committed in the house of the informant. Name of the applicant surfaced in the present matter through the confessional statement of co-accused. It is next submitted that applicant is having no concern with the allegations levelled against him and he has not committed any offence as alleged by prosecution. It is next submitted that a false recovery of jewellery has been shown from the possession of the applicant. There is no independent witness of the alleged recovery. On the basis of said recovery, the applicant has been simultaneously implicated in five other cases (para '11' of the instant bail application). Apart from the present case and aforesaid cases, the applicant is having criminal history of two other cases and the same has been explained in para '22' of the instant bail application. The applicant is languishing in

jail since 20.1.2026. 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, evidence 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, **Prince** 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 6, 2026
KK Patel