



2026:AHC:165128

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26452 of 2026

Ramu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashish Goyal
Counsel for Opposite Party(s)	:	Arun Kumar Tripathi, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by applicant is taken on record.
2. Heard Sri Ashish Goyal, learned counsel for the applicant, Sri Arun Kumar Tripathi, learned counsel for the informant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.57 of 2026, under Sections 103(1) and 238 BNS, Police Station Kirawali, District Agra, during pendency of the trial.
4. Learned counsel for the applicant submits that however, it is a case of circumstantial evidence but except the evidence of last seen, there is no other evidence against the applicant on record.
5. He further submits that as per prosecution, applicant along with co-accused Abhishek has taken the deceased and thereafter his dead body was found in the well.
6. He further submits that without any other corroborative evidence merely on the basis of above last seen evidence prima facie it cannot be said that applicant committed the murder of the deceased.
7. He further submits that actually applicant had not taken the deceased

along with co-accused Abhishek, as alleged and on the basis of false allegation he has been made accused in the present matter along with co-accused Abhishek.

8. He next argued, even from the record it reflects that dead body of the deceased was found in the well and he died due to drowning and therefore possibility at this stage cannot be ruled out that accidentally deceased fell in the well and died.

9. He further submits that applicant is not having any other criminal history and in the present matter he is jail since 23.03.2026 i.e. for last more than four months.

10. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submit that however, it is a case of circumstantial evidence but there is clinching evidence of last seen against the applicant as it reflects that he along with co-accused Abhishek had taken the deceased and thereafter badly beaten him and after committing his murder threw his body in the well.

11. They further submit that even from the supplementary affidavit filed by applicant it reflects that co-accused Abhishek sustained number of injuries and his injury report also support the prosecution case.

12. They further submit that considering the facts of the case, instant bail application of the applicant may be dismissed.

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

14. It is a case of circumstantial evidence and except evidence of last seen, it appears that there is no evidence against the applicant on record. This Court finds merit in the argument advanced by the learned counsel for the applicant that in the absence of any other corroborative evidence ordinarily mainly on the basis of last seen evidence prima facie it cannot be said that a person committed the murder of the deceased.

15. Further, however, from the medical report of co-accused Abhishek it reflects that he sustained number of injuries but there is no evidence on record that applicant was also present at spot.

16. Be that as it may, post mortem report suggests that deceased died due to drowning and even his dead body was found in the well, therefore, considering this fact, the argument advanced by the learned counsel for the applicant that possibility of accidental death of the deceased, cannot be completely brushed aside at this stage cannot be ruled out.

17. Further, applicant is not having any other criminal history and in the present matter he is in jail since 23.03.2026 i.e. for last more than four months.

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

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

20. Let the applicant-**Ramu** 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.

21. 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.

22. 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.

(Sameer Jain,J.)

August 6, 2026

SKM