



2026:AHC:162115

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26850 of 2026

Sallu Alias Himanshu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anand Gangwar, Km Astha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anand Gangwar, learned counsel for the applicant and Sri Vijay Kumar, learned AGA-I for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 302 of 2025, under Sections 103(1) BNS, Police Station Bharthana, District Etawah during pendency of the trial.
3. Learned counsel for the applicant submits, on the basis of suspicion applicant has been made accused in the present matter along with two others and as per FIR deceased i.e. son of the informant had gone along with applicant and others but did not return and next day his dead body was found from a river in half naked condition. He further submits, actually it is a case of accidental death.
4. He further submits, applicant along with other accused and deceased consumed liquor and thereafter deceased accidentally fell in the river and died and post mortem report also corroborates the version of the defence.
5. He further submits, after considering the entire facts of the case co-accused Shiva @ Sachin has been released on bail by this Court and his bail order has been annexed at page-105 of the paper-book and case of applicant is at par with him.
6. He further submits, however, apart from the present case applicant is having criminal history of two other cases but his criminal history has been explained in the instant bail application. He further submits, in the present matter applicant is in jail since 31.03.2026.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument 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, as per allegation, applicant along with others including co-accused Shiva @ Sachin committed the murder of the deceased but it is a case of circumstantial evidence and except the bald and verbal allegation there is no cogent evidence against the applicant on record.

10. Further, considering the post mortem report of the deceased, the argument advanced by learned counsel for applicant with regard to death of the deceased cannot be ruled out at this stage.

11. Further, even after considering the entire facts of the case co-accused Shiva @ Sachin has been released on bail by this Court and case of applicant is at par with him.

12. Further, however, apart from the present case applicant is having criminal history of two other cases but his criminal history has been explained and in both the cases applicant is on bail.

13. Further, in the present matter applicant is in jail since 31.03.2026.

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

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

16. Let the applicant - **Sallu @ Himanshu** 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.

17. 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.

18. 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 4, 2026
AK Pandey

(Sameer Jain,J.)