



2026:AHC:162422

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27023 of
2026

Farhan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Peeyush Kumar Pathak, Prateeyush Kumar Pathak
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of CD- 54 dated 19.12.2025 produced by Sri V.P. Tripathi, learned A.G.A., is taken on record.
2. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 360 of 2023, under Sections 304, 323, 504, 506 I.P.C., Police Station Kotwali Nagar, District Aligarh during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The incident is alleged to have occurred on 14.11.2023, whereas the first information report was lodged on 22.11.2023. The delay in lodging the first information report is fatal to the prosecution case. Initially, the brother of the informant was examined on 15.11.2023 at Malkhan Singh District Hospital, Aligarh. The doctor recorded six injuries. As per the statement of the attending doctor, at the time of examination the informant's brother was intoxicated. All the injuries were found simple in nature except injury no. 4, which was kept under observation. The informant's brother died on 26.11.2023. The name of the applicant and two others was

disclosed subsequently by the son of the informant, who claimed himself to be eye witness, in his statement recorded on 19.12.2025. It is contended that the said statement is afterthought and unreliable. Placing reliance upon Parcha No. 16 dated 30.03.2024, annexure-8 to the bail application, it is contended that the deceased under the influence of liquor accidentally fell into a drain and sustained injuries. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 28.12.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. The applicant was not named in the first information report. The name of the applicant and two others was disclosed subsequently by the son of the informant, who claimed himself to be eye witness, in his statement recorded on 19.12.2025. As per Parcha No. 16 dated 30.03.2024, the deceased under the influence of liquor accidentally fell into a drain and sustained injuries. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than seven months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Farhan, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

August 4, 2026
SKT/-

(Vivek Varma,J.)