



2026:AHC-LKO:40498

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 211 of 2026

Hemraj Gautam

.....Applicant(s)

Versus

State Of U.P. Through Secretary Home Department
Civil Secretariat

.....Opposite
Party(s)

Counsel for Applicant(s) : Devendra Pratap, Shashank Shekhar
Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Rejoinder affidavit filed by the learned counsel for the applicant is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. The present bail application has been filed by the applicant in F.I.R. No. 215 of 2025, under Sections 103(1), 3(5), 238 (A) BNS, Police Station Raunahi, District Ayodhya with the prayer to enlarge him on bail.

4. The submissions of learned counsel for the applicant are that the applicant is innocent person and has falsely been implicated in the case, he is having no previous criminal history and in jail since 12.07.2025. It is further submitted that the applicant is the driver of e-rikshaw owned by co-accused Ashwani Singh @ Mirchi. It is also submitted that there is no evidence against the applicant, but the charge sheet has been filed merely on the basis of the confessional statement and some observations made by the Investigating Officer in the case diary that some photographs of injured were found in the gallery of the mobile of the applicant. It is vehemently submitted that no print out of such photographs was annexed by the Investigating Officer in the case diary. It is lastly submitted that co-accused Aqib Kuraishi @ Mohd. Aqib has already been enlarged on bail by this Court vide order dated 07.04.2026 passed in Criminal Misc. Bail Application No. 2460 of 2026. In these

circumstances, the applicant is also entitled for bail. In case of being enlarged on bail, he will not misuse the liberty of bail.

5. Photocopy of the bail order of co-accused Aqib Kuraishi @ Mohd. Aqib provided by the learned counsel for the applicant is taken on record.

6. Learned A.G.A. opposes the prayer for grant of bail to the applicant and submits that after collecting sufficient evidence, the charge sheet has been filed by the Investigating Officer. It is further submitted that in the confessional statement, the involvement of the applicant was found. However, he fairly concedes that similarly situated co-accused Aqib Kuraishi @ Mohd. Aqib has already been granted bail.

7. Considering the rival submissions of learned counsel for the applicant, learned A.G.A., ground of parity with the co-accused and going through the contents of the application, counter affidavit as well as other relevant documents, it is evident that in the case diary, it is mentioned that in the gallery of the mobile recovered from the co-accused Ashwini Singh @ Mirchi, the photograph of the deceased in injured condition was found by the Investigating Officer. However, the print out of the said photographs has not been annexed with the case diary. Further, the involvement of the applicant is shown on the basis of confessional statement. In such circumstances, I am of the view that it is a fit case for bail. Application stands allowed.

8. Let applicant -Hemraj Gautam be released on bail in F.I.R. No. 215 of 2025, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) 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.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are

present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 BNS.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 351 BNSS. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

(Rajeev Singh,J.)

June 8, 2026

VKS