



2026:AHC-LKO:42077

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4402 of 2026

Yunus Khan

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Deptt. Lko

.....Opposite
Party(s)

Counsel for Applicant(s) : Vinay Kumar, Baby Mishra, Noor
Alam Khan, Touqeer Ahmad

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

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Supplementary affidavit filed today is taken on record.

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

The instant bail application has been filed on behalf of the applicant with a prayer to release the applicant on bail during the trial in Sessions Trial No.1057 of 2014 arising out of Crime No.204 of 2014 under Section 41,411, 413 IPC, Police Station Bheera, District Kheri.

It is contended by learned counsel for the applicant that the applicant is innocent and he has been falsely implicated in the present case. He submits that the applicant has been enlarged on bail but due to misconception of the dates between the counsel and the applicant, he could not appear before the trial on the date fixed. He submits that the applicant undertakes that he will appear before the trial court as and when required and he will fully co-operate in the trial proceedings and there is one case criminal history of the applicant, which has been explained in para 18 of the bail application and the applicant is languishing in jail since 12.5.2026 and in case, the applicant is granted bail, he will not misuse the liberty and would co-operate in the trial proceedings.

Per contra, learned A.G.A. vehemently opposed the prayer of bail and submitted that the applicant is involved in committing the aforesaid offence,

as such, he is not entitled to be released on bail.

Having heard the learned counsel for the parties and after perusal of record, it is evident that the reasons for non-appearance before the trial court on the date fixed, assigned in the affidavit in support of the bail application are sufficient; there is one case criminal history of the applicant, which has been explained in para 18 of the bail application; the applicant is languishing in jail since 12.5.2026 and he has undertaken that he will not misuse the liberty of bail if granted and would co-operate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant **Yunus Khan** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He 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 229-A of the Indian Penal Code;
- (3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and
- (4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and

the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 25, 2026

Ram Murti