



2026:AHC:124838

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15991 of 2026

Mohd Kaif

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sushil Kumar Shukla

Counsel for Opposite Party(s) : Adesh Kumar, G.A., Jitendra Bahadur Singh

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Sushil Kumar Shukla, learned counsel for the applicant, Sri Jitendra Bahadur Singh, learned counsel for the first informant and Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.84 of 2023, under Sections-147, 148, 149, 302, 120B IPC, Police Station-Hastinapur, District-Meerut, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that though in the FIR, general allegation has been made against all the applicants for firing upon the deceased though, the first informant was not the eyewitness. Thereafter, two eyewitnesses, Sachin and Kapil were examined on 09.04.2023 and they have specifically assigned the role of firing to the co-accused Anas and Sane Azeem alias Shah Nazeem for firing upon the deceased and the role assigned to the applicant is that he also reached on the spot thereafter, exhorted the main accused Anas and Sane Azeem alias Shah Nazeem not to spare the deceased and kill him. Subsequently, the second statements of Sachin and Kapil was recorded on 02.05.2023 wherein they made general allegation against all the accused persons including the applicant, though, there is no explanation for such delay and contradiction in their statements. It is further submitted that there

is no recovery of any weapon on pointing out of the applicant. It is further submitted that the applicant has explained the criminal history of one case in the accompanying affidavit. The applicant is languishing in jail since 16.04.2023. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Learned counsel for the first informant has submitted that bail of the co-accused Akram has been rejected by the coordinate Bench of this Court in Criminal Misc. Bail Application No.36421 of 2023, vide order dated 16.12.2023.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Mohd Kaif**, 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:-

i. 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.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **Meerut Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

(Arun Kumar Singh Deshwal,J.)

June 3, 2026
S.C.