



2026:AHC:181325

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30198 of 2026

Pawan @ Mogali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Brij Lal Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Brij Lal Shukla, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.193 of 2026, under Sections 103(1), 61(2) and 3(5) BNS, Police Station Echotech-III, District Gautam Budha Nagar, during pendency of the trial.

3. Learned counsel for the applicant submits that however, applicant was not named in the FIR but during investigation informant disclosed his name in his statement and this fact suggests that applicant is innocent.

4. He further submits that it reflects that with the aid of Section 61(2) BNS for hatching conspiracy applicant has been made accused but even there is no cogent evidence of conspiracy against the applicant on record.

5. He further submits that even co-accused Abhay @ Abhi has been released on bail by this Court vide order dated 22.7.2026 and his bail order has been annexed at page 76 of the paper book and the case of applicant is at par with him.

6. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 21.5.2026, i.e., for the last more than three months.

7. Per contra, learned AGA although opposed the prayer for bail but could not dispute the other argument on facts advanced by the learned counsel

for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, applicant was not named in the FIR but in spite of that when statement of the informant was recorded by Investigating Officer then he disclosed the name of the applicant and others including co-accused Abhay @ Abhi.

10. Further, it also reflects that with the aid of Section 61(2) BNS for hatching conspiracy applicant has been made accused but even prima facie there is no cogent evidence of conspiracy against the applicant on record.

11. Further, co-accused Abhay @ Abhi has been released on bail by this Court and the case of applicant is at par with him.

12. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 21.5.2026, i.e., for the last more than three months.

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

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

15. Let the applicant-**Pawan @ Mogali** 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.

16. 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.

17. 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.

(Sameer Jain,J.)

August 31, 2026
SKM