



2026:AHC:180583

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30323 of 2026

Badelal Gond

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amarjeet Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Amarjeet Yadav, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 474 of 2025, under Sections 103(1) and 338(a) BNS, Police Station Sarailakhansi, District Mau, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however applicant is named in the FIR but it is a case of circumstantial evidence and only circumstance as per prosecution against the applicant is that applicant called the deceased in the night of the alleged incident and thereafter his dead body was found.
4. He further submitted that there is no evidence which can suggest that applicant ever joined the company of the deceased and therefore, even above evidence cannot be said to be the evidence of last seen together.
5. He further submitted that however above circumstance disclosed against the applicant is totally false but even if the alleged circumstance is accepted then also prima facie, merely on the basis of this circumstance, it cannot be said that applicant committed the murder of the deceased.
6. He further submitted that there is no cogent evidence which can connect the applicant with the instant crime.
7. He further submitted that applicant is having no criminal history and he is

in jail in the present matter since 16.11.2025 i.e. for last more than 9 months.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

10. However, applicant is named in the FIR but it is a case of circumstantial evidence and only circumstance against the applicant is that as per prosecution he called the deceased for feast of fish and subsequently in the morning his dead body was found.

11. From the record, it could not be reflected that there is any evidence of last seen together against the applicant as there is no witness account which can suggest that deceased was last seen along with the applicant.

12. It reflects except above circumstance, there is no other circumstance against the applicant on record. Considering the facts and circumstances of the case, this Court finds merit in the argument advanced by learned counsel for the applicant that merely on the basis of above circumstance, prima facie, it cannot be said that applicant committed the murder of the deceased.

13. Further, applicant is having no previous criminal history and he is in jail in the present matter for last more than 9 months.

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

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

16. Let the applicant-**Badelal Gond**, 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.

17. 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.

18. 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.

August 31, 2026
Ankita

(Sameer Jain,J.)