



2026:AHC-LKO:42565

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3031 of 2026

Shesh Singh

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Arvind Pratap Singh, Chandra
Bhooshan, Vaishali
Counsel for Opposite Party(s): G.A., Ashutosh Shukla

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

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

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No.97 of 2026, under sections 109 (1), 115 (2), 191 (2), 191 (3), 190, 352 BNS and Section 7 Criminal Law Amendment Act, Police Station- Colonelganj, District - Gonda.

Contention of learned counsel for the applicant is that applicant has been falsely implicated. He submits that though the role of the applicant is distinguished in the FIR whereas in the statement of the injured and other witnesses he has been assigned identical role to that of the co accused persons. He added that other co accused persons have been enlarged on bail. He next submitted that the charge sheet has been filed and the applicant is languishing in jail since 07.3.2026. He added that the applicant has a criminal history of two cases which has been explained in the affidavit filed in support of the bail application and he undertakes that he will cooperate in the trial proceedings and will not misuse the liberty of bail granted to him.

Per contra, learned AGA appearing for the State has opposed the

prayer for bail.

This Court has considered the role of the present applicant is identical to the role of the other co accused persons as is evident from the statement of the injured as well as other witnesses. Co accused persons have been enlarged on bail. Charge sheet has been filed. Applicant is languishing in jail since 07.3.2026.

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 fit case of bail.

Let the applicant- **Shesh Singh** 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.

June 30, 2026
mks

(Shree Prakash Singh,J.)