



2026:AHC:175442

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3141 of 2026

Salman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

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

The present bail application has been filed with the prayer to enlarge the applicant on bail in Special Case no. 604 of 2024, arising out of Case Crime No. 08 of 2024, under Sections 392, 411, 413 IPC, Police Station GRP, District Etawah, during the pendency of the trial.

Learned counsel for the applicant submits that the applicant was earlier enlarged on bail by the court concerned in the present case. It is further submitted that the examination of PW-3 has already been completed. The applicant could not appear before the Trial Court since 07.02.2025 on account of his implication and custody in another criminal case. Subsequently, two more criminal cases came to be registered against the applicant, wherein he has enlarged on bail by the court concerned. Learned counsel further submits that on 12.09.2025, the Court Moharrir informed the Trial Court that the applicant was not in jail and that the local counsel had not moved any application seeking exemption from the personal appearance of the applicant. Consequently, a non-bailable warrant (NBW) was issued against the applicant and the matter was fixed for 04.10.2025. It is further submitted that the present case has already been decided on merits, however, on account of the applicant's implication in another criminal case, he could not appear before the Trial Court, resulting in issuance of the aforesaid NBW. The applicant has

remained in custody pursuant to the said proceedings and has been in jail since 18.10.2025. Learned counsel submits that the applicant has criminal antecedents; however, the same have been duly explained in paragraph 19 of the present bail application. It is further submitted that the applicant has not deliberately or wilfully violated the conditions of bail, and his non-appearance was occasioned solely due to his incarceration in another case. Learned counsel for the applicant lastly submits that, in the event the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. for the State vehemently opposed the prayer for bail and submitted that there is no illegality in the bail rejection order.

Having considered the submissions advanced by learned counsel for the applicant and learned A.G.A. for the State, and upon perusal of the material available on record, it is evident that the applicant was earlier enlarged on bail in the present case and that the examination of PW-3 has already been completed. The applicant could not appear before the Trial Court on account of his incarceration in another criminal case, and consequently, the non-bailable warrant came to be issued against him. The applicant has been in custody since 18.10.2025. His criminal antecedents have also been explained in paragraph 19 of the bail application.

Considering the aforesaid facts and circumstances, particularly the fact that the applicant was earlier on bail in the present case and there is no material to indicate that his absence was deliberate or with an intention to obstruct the proceedings, this Court is of the considered opinion that the applicant has made out a case for being enlarged on bail.

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

Let the **applicant-Salman**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in

the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Jai Prakash Tiwari,J.)

August 19, 2026
Brijesh