



2026:AHC-LKO:41038

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4443 of 2026

Sunil Kashyap

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anshuman Singh, Vipul Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard Shri Karan Shrivastav, Advocate holding brief of Shri Anshuman Singh, learned counsel for the applicant and learned AGA for the State.
2. The present bail application has been filed by the applicant with prayer to enlarge him on bail in Case Crime No. 87 of 2025, under Sections 103(1), 61(2)A BNS, Police Station Maholi, District Sitapur.
3. Learned counsel for the applicant submits that the applicant was implicated by the police in five cases. In one case, i.e., Case Crime No. 432 of 2007 under Section 302 IPC, the trial was concluded and due to poor pairvi of the case, the applicant was convicted. Thereafter, the conviction order was challenged before Hon'ble Supreme Court in an S.L.P. which is pending. He next submits that due to earlier criminal antecedents of the applicant, he has been implicated in the present case also merely on the basis of one diary which was found from the accused persons during the course of encounter. In the diary, it is mentioned that "सुनील कश्यप बबुआ लाल 10000 लिया सब्जी मण्डी में काम होने पर 2000 फिट प्लाट बबऊ देंगे". Except this, there is no evidence against the applicant in relation to involvement in crime. He also submits that the applicant is in jail since 2.12.2025 and charge sheet has already been submitted and it is a case of no evidence. He lastly submits that the applicant will cooperate in the trial, hence, he may be enlarged on bail.

4. Learned AGA vehemently opposes the prayer of the applicant. However, he does not dispute the fact that except the aforesaid evidence, there is no material against the applicant.

5. Considering the submissions of learned counsel for the parties and going through the contents of the bail application as well as other relevant material, it is evident that except the aforesaid evidence, no material is found against the applicant. Therefore, it is a fit case for bail.

6. The bail application is ***allowed***.

7. Let the applicant- **Sunil Kashyap** who is involved in aforementioned case 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 subject to following conditions:

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant 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 I.P.C./269 B.N.S.

(v) 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./84 B.N.S.S. may be issued and if applicant fails to appear before the Court

on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A I.P.C./209 B.N.S.

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

9. Superintendent of Police is directed to examine the entire material collected by the Investigating Officer and shall ensure for further investigation in relation to the applicant.

(Rajeev Singh,J.)

June 12, 2026

Arpan