



2026:AHC:128639

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 11352 of 2026

Manish Kumar Gautam @ Monu

.....Applicant(s)_

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Lavkush Dixit
Counsel for Opposite Party(s)	:	Abhishek Kumar Jaiswal, G.A.

Connected with

CRIMINAL MISC. BAIL APPLICATION No. - 10442 of 2026

Mohan Lal Gupta

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Madhur Prasad, Malay Prasad, Saloni Mathur, Tanya Makker
Counsel for Opposite Party(s)	:	Abhishek Kumar Jaiswal, G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Ms. Tanya Makker alongwith Shri Lavkush Dixit, learned counsel for the applicants in both the bail applications, Shri Abhishek Kumar Jaiswal, learned counsel for the informant-respondent no.2 and the learned A.G.A. for the State of U.P.

2. Both the bail applications have been filed seeking release of the applicants on bail in Case Crime No.380 of 2025, under Sections 103(1), 115(2), 352 BNS, Police Station Jewar, District Gautam Budh Nagar.

3. Learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. It is further submitted that the alleged incident had taken place on 15.11.2025 at 11.30 hours and the FIR was lodged on the same day at 15:34 hours. As per

version in the FIR, the applicants caused the injury to the deceased by bamboo sticks. It is further submitted that the applicants did not commit murder of the deceased and they were seen running away from the place of occurrence; nothing incriminating was recovered from the possession or pointing out of the applicants; ocular version is not supported with the medical evidence. The cause of death of the deceased is asphyxia due to strangulation and his viscera was preserved. There is no viscera report on record. Injury no.1 of the deceased was a ligature mark over the chin and right side of the neck of the deceased; no witness has claimed that the deceased was strangled by the applicants. It is further contended that the case is based on circumstantial evidence and chain of circumstances is not complete. It is next contended that the applicants have been falsely implicated in this case since prior to the incident an FIR against the present first informant and his father was lodged as Case Crime No.232 of 2025, on 17.07.2025, at Police Station Jewar, District Gautam Budh Nagar, wherein the applicant Mohan Lal Gupta was an eye witness. Due to that animosity, the applicants have been implicated in order to exert pressure and settle personal scores with the applicants. There is no previous criminal history of the applicant Manish Kumar Gautam and criminal history of the applicant - Mohan Lal Gupta has been well explained in paragraph no.18 of the Criminal Misc. Bail Application No.10442 of 2026. Learned counsel for applicant further contended that the applicant Manish Kumar Gautam has been languishing in jail since 12.02.2026 and the applicant-Mohan Lal Gupta has been languishing in jail since 11.02.2026 and in case, they are released on bail, they will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. as well as Shri Abhishek Kumar Jaiswal, learned counsel for the informant have opposed the prayer for grant of bail to the applicants and submitted that there is ample evidence against the applicants regarding their involvement in the offence, therefore, they are not entitled to be released on bail. It is further submitted that the applicants committed murder of the deceased and they were seen running away from the place of occurrence. It is next contended that the applicants were committed the death of the deceased on account of previous enmity. Lastly, it is submitted that the criminal history of applicant-Manish Kumar Gautam has not been properly explained.

5. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicants and without expressing any opinion on the merits of the case, this Court finds that the applicants have made out a case for grant of bail.

6. Accordingly, the bail application is **allowed**.

7. Let the applicants- **Manish Kumar Gautam @ Monu and Mohan Lal Gupta**, who are involved in the aforementioned case crime be released on bail on their furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned, subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicants shall file an undertaking to the effect that they 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.

(ii) The applicants shall remain present before the Trial Court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against them under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicants fail to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against them, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicants 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 of B.N.S.S. If in the opinion of the Trial Court absence of the applicants are 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 them 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. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 22, 2026

Nitendra