



2026:AHC:129161

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 12539 of 2026

Saif

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ishwar Chandra Tyagi, Sadrul Islam
Jafri, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri N.I. Jafri, learned Senior Counsel assisted by Ms. Samra Usman, learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.384 of 2025, under Sections 80(2), 85, 124(1), 351(1), 352 B.N.S. and Section 3/4 of D.P. Act, Police Station- Didauli, District- Amroha.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged incident took place on 11.08.2025, whereas the FIR was lodged after a delay of 15 days, on 26.08.2025. The applicant happens to be the brother-in-law (devar) of the deceased. Monees, who is also another brother-in-law of the deceased, has been nominated in the FIR. General and omnibus allegations have been levelled against the applicant and the other co-accused in the FIR. The FIR was lodged after due consultation and deliberation. It is further contended that the dying declaration of the deceased was recorded, wherein she did not specify who had administered the acid. A general allegation was made against the husband, father-in-law, mother-in-law, and brother-in-law in her dying declaration. The name of the applicant or another brother-in-law, Monees, was not taken by the deceased in her dying declaration. It is further contended that seven prosecution witnesses have been examined before the trial court,

including the father and other family members of the deceased. All the witnesses of fact have not supported the prosecution case and, therefore, declared hostile by the learned trial court. The dying declaration is not convincing against the applicant. The applicant has no criminal history to his credit. It is further submitted that the applicant has been languishing in jail since 15.10.2025 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

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 applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

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

7. Let the applicant- **Saif**, who is involved in the 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. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) 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 IPC/ 269 B.N.S.

(iii) 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 IPC/ 209 B.N.S.

(iv) 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 of 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. It is made clear that observations made in granting bail to the applicant 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 25, 2026

Radhika