



2026:AHC-LKO:40915

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3936 of 2026

Jaswant @ Lavade @ Laudau

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hariom Divedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicant in F.I.R. No. 56 of 2026, under Sections 103(1), 238, 61(2) BNS, Police Station Dargah Sharif, District Bahraich with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case merely on the basis of presumption that the deceased was having illicit relations with the wife of the applicant. It is further submitted that false recovery of weapon, on the pointing out of the applicant, has been shown. It is vehemently submitted that the article has been sent to F.S.L. for forensic expert as well as for the finger print experts, but till today, the report has not been received. It is lastly submitted that the applicant, who has no criminal antecedent, is in jail since 12.02.2026, but till today, the charge has not been framed and in near future, there is no possibility of conclusion of trial. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.
4. Learned A.G.A. vehemently opposes the prayer for grant of bail

to the applicant and submits that on the pointing out of the applicant, 'hansiya' was recovered. However, he does not dispute the fact that the F.S.L. report in relation to the blood of the deceased as well as finger print report has not been received. He also concedes that the charges have not been framed till today.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of F.I.R. as well as other relevant documents, it is evident that merely on the basis of circumstantial evidence as well as the alleged recovery, the applicant has been implicated. It is also evident that the F.S.L. report has not been received. Further, the applicant is in jail since 12.02.2026, but the charges have not been framed till today. In such circumstances, this Court is of the view that the applicant is entitled to be released on bail.

6. Application stands allowed.

7. Let applicant -Jaswant @ Lavade @ Laudau be released on bail in F.I.R. No. 56 of 2026, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not commit an 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 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS 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 209 BNS.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 351 BNSS. 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. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

(Rajeev Singh,J.)

June 12, 2026

VKS