



2026:AHC:167526

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27842 of 2026

Montu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ravitendra Pratap Singh Chandel,
Subham Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ravitendra Pratap Singh, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.99 of 2026, under Sections 103(1), 333, 61(2) and 3(5) BNS, Police Station Inchuali, District Meerut during pendency of the trial.
3. Learned counsel for the applicant submits that applicant was not named in the FIR and FIR was lodged against five accused persons and according to it named co-accused Mahesh, Rohit, Neeshu and Shubham by causing fire arm injuries committed the murder of the son of the informant.
4. He further submits that during investigation the named accused persons have been exonerated by Investigating Officer and one Gulson was made accused on the ground that he was having illicit relationship with the wife of the deceased and when he was arrested then he disclosed the name of the applicant.
5. He further submits that however, as per prosecution from the CDR of the applicant it also reflects that location of the applicant at the time of incident was in the same village where incident occurred but except the above evidence and confessional statement of the applicant before the Police, there is no other evidence against the applicant on record.

6. He further submits that merely on the basis of above evidence, prima facie at this stage it cannot be said that applicant committed the murder of the deceased.

7. He further submits that it is a case of circumstantial evidence and admittedly applicant was not having any direct motive to commit the murder of the deceased.

8. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 4.4.2026 i.e., for the last more than four months.

9. Per contra, learned AGA although opposed the prayer for bail but could not dispute the other argument on facts advanced by the learned counsel for the applicant.

10. I have heard learned counsel for the parties and perused the record of the case.

11. It is a case of circumstantial evidence and applicant was not named in the FIR. It reflects that during investigation through the statement of named co-accused Gulson, he has been made accused in the present matter.

12. Further, however, as per prosecution, apart from the above evidence, when CDR of the applicant was checked then it was found that his location was in the same village where the incident occurred.

13. It reflects that except above evidence and confessional statement of the applicant before the Police, there is no other evidence against the applicant on record.

14. This Court finds merit in the argument advanced by the learned counsel for the applicant that merely on the basis of above evidence, prima facie it cannot be said that applicant committed the murder of the deceased.

15. Further, even admittedly applicant was not having any direct motive to commit the murder of the deceased.

16. Further, applicant is not having any previous criminal history and in

the present matter he is in jail since 4.4.2026, i.e., for the last more than four months.

17. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

19. Let the applicant-**Montu** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

20. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

21. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

August 11, 2026
SKM