



2026:AHC:174857

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29176 of 2026

Rahul @ Kalua

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Adarsh Srivastava, Reena Pal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri Adarsh Srivastava, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 26 of 2025, under Sections 103(1), 309(6) BNS, Police Station Gulaothi, District Bulandshahr during pendency of the trial.
4. Learned counsel for the applicant submits, it is a case of circumstantial evidence and except the evidence of last seen there is no cogent evidence against the applicant on record. He further submits, even evidence of last seen prima facie appears to be shaky.
5. He further submits, however, apart from the present case applicant is having criminal history of two other cases but both cases have been explained and one case is accidental case relating to Section 304A IPC.
6. He further submits, in the present matter applicant is in jail since 11.01.2025 i.e. for last more than one and half years.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.
8. I have heard learned counsel for the parties and perused the record of the case.
9. It is a case of circumstantial evidence and it reflects, except the evidence

of last seen there is no cogent evidence against the applicant on record.

10. The law is settled that merely on the basis of last seen evidence ordinarily conviction cannot be recorded in a case of murder. (See: Anand Jakkappa Pujari @ Gaddadar Vs. State of Karnataka 2026 SCC OnLine SC 716).

11. Further, however, apart from the present case applicant is having criminal history of two other cases but his criminal history has been explained and one case is accidental case. Further, even in the present matter applicant is in jail since 11.01.2025 i.e. for last more than one and half years.

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

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

14. Let the applicant - Rahul @ Kalua 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.

15. 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.

16. 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.

August 19, 2026

AK Pandey

(Sameer Jain,J.)