



2026:AHC:17472

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 46063 of 2025

Akarsh Alias Akash Chaurasiya

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manoj Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard learned counsel for the applicant as well as Shri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 265 of 2020, under Sections 307, 302, 504, 506 IPC and 7 Criminal Law Amendment Act, Police Station Kotwali, District Mathura, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Sanjay Chaurasiya, has already been enlarged on bail by this Court vide order dated 31.7.2025 passed in Criminal Misc. Bail Application No. 4785 of 2024. He further submitted that since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. The applicant is languishing in jail since 25.7.2020 having criminal history, which stands explained.
5. The prayer for bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspect of parity to the co-accused has not been disputed by him.
6. In the case of ***Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648***, Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

7. Considering the facts and circumstances of the case and in light of the judgement passed by this Court in ***Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cr.L.J. 938*** and the judgements passed by the Supreme Court in ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021*** and in ***Satender Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51***, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed*** on the ground of parity.

8. Let the applicant- **Akarsh Alias Akash Chaurasiya** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall not tamper with evidence.
- (ii) 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. 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. 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 on the testimony of the witnesses.

(Krishan Pahal,J.)

January 27, 2026
Shalini