



2026:AHC:5871

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 354 of 2026

Mursaleen Alias Kala

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammad Jamil Akhtar, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Shri V.M. Zaidi, learned Senior Advocate holding brief for Sri Mohammad Jamil Akhtar, learned counsel for the applicant as well as Ms. Ifrah Islam, learned State Law Officer and perused the record.
3. Applicant seeks bail in Case Crime No. 328 of 2022, under Sections 147, 302, 201 IPC, Police Station Chhaprauli, District Baghpat, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused persons, Shahnawaz and Muzammil have already been enlarged on bail by this Court vide order dated 12.5.2025 and 21.5.2025 passed in Criminal Misc. Bail Application Nos. 404 of 2024 and 6023 of 2025. He further submitted that since the role of the applicant is identical to that of co-accused, who have 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 18.11.2022 having no criminal history.
5. The prayer for bail have been vehemently opposed by learned State Law Officer and learned counsel for the informant on the ground that the applicant is the main accused person, as he was the main schemer. It is the case of honour killing, as the deceased in the instant case are the sister of the applicant and the friend of his sister and both have been put to death. However, the aforesaid factual aspects of parity to the co-accused and of no

criminal history of the applicant, have not been disputed by her.

6. 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.

7. Let the applicant- **Mursaleen Alias Kala** 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.

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

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

10. 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 9, 2026

Shalini