



2026:AHC:5481

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3728 of 2025

Vishal Alias Vikash Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Pradeep Kumar Rai, Shashi Dhar Goswami
Counsel for Opposite Party(s)	: Arvind Kumar Kushwaha, G.A., Pooja

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Shri Ajeet Kumar Singh, Advocate holding brief of Shri Pradeep Kumar Rai, learned counsel for the applicant, Ms. Pooja, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 161 of 2024, under Sections 147, 504, 506, 302 of IPC, Police Station - Sigra, District - Varanasi, during the pendency of trial.
4. As per prosecution story, the informant's brother is stated to have been assaulted by 4-5 unknown persons on 18.06.2024 at about 11:00 PM.
5. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by more than 16 hours and there is no explanation of the said delay caused.
6. Learned counsel has also stated that the statement of eye-witness Jaggu has been recorded on 14.07.2024 i.e. after a delay of about 25 days whereby it is mentioned by him that he had identified the applicant and other co-accused persons in the incident. It is argued that the said statement cannot be believed as the said eye-witness accompanied the deceased but did not care to inform about the incident to the family members of the deceased and the FIR was instituted against unknown persons, as such, the said statement has

been made as an afterthought.

7. Learned counsel has next contended that there is no test identification parade to corroborate the prosecution story as the CCTV footage was also fetched whereby some informer witnessed the said CCTV footage and has identified the applicant as one of the assailants. The said exercise is sham as non revealing of the person, who had identified the applicant in the said CCTV footage speaks volume of false implication.

8. Learned counsel has further stated that subsequently the statements of doctor and compounder were recorded, who are stated to have treated the injured person Vishal and was accompanied by the applicant and other co-accused persons. They are stated to have wrongly informed the fact to the doctor that the said injury has sustained in a road accident. The said statement has also been garnered as an afterthought by the police just to show good work.

9. Learned counsel has lastly contended that the applicant is languishing in jail since 29.06.2024, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

10. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

11. This Court had called for a report regarding the status of trial and in compliance thereof, a report has been submitted by the Trial Court concerned on 17.11.2025. As per the said report, no witness has been examined to date.

12. The well-known principle of "Presumption of Innocence Unless Proven Guilty," gives rise to the concept of bail as a rule and imprisonment as an exception. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said

principle has been reiterated by the Supreme Court in *Satender Kumar Antil Vs. Central Bureau of Investigation and another*, 2022 (10) SCC 51. Learned AGA could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

13. It is a settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA.

14. The said viewpoint was shared in *Nagendra Nath Chakrabarthi v. King-Emperor AIR 1924 Cal 476; Emperor v. Hutchinson AIR 1931 All 356; K. N. Joglekar v. Emperor AIR 1931 All 504; Sanjay Chandra v. Central Bureau of Investigation AIR 2012 SC 830; Inhuman Conditions in 1382 Prisons, In re. (2017) 10 SCC 658; State Of Rajasthan Vs. Balchand AIR 1977 SC 2447; and Ashim vs. National Investigation Agency (2022) 1 SCC 695*).

15. Reiterating the aforesaid view, the Supreme Court in the case of *Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595*, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "bail is a rule and jail is an exception".

16. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties and also considering the fact that the applicant is not named in the FIR and the statement of star witness Jaggu Pandey has been recorded belatedly after 25 days of the incident and even the name of the person, who identified the applicant in the CCTV footage, has not been revealed, prima facie I find it a fit case to release the applicant on bail. The bail application is allowed.

17. Let the applicant- Vishal Alias Vikash Kumar, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified. i) The applicant will not tamper with the

evidence during trial. ii) The applicant will not pressurise/intimidate with the prosecution witnesses. iii) The applicant will appear before the trial court on the date fixed.

18. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

19. 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 based on the testimony of the witnesses.

January 6, 2026
SY

(Krishan Pahal,J.)