



2026:AHC:15196

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45337 of 2025

Junaid

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar Maurya, Shweta Singh
Counsel for Opposite Party(s)	:	Ashok Trivedi, G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant, Shri Arimardan Yadav, learned AGA and Shri Ashok Trivedi, learned counsel for the first informant and perused the record.

The present bail application has been filed by the applicant **Junaid** with a prayer to enlarge him on bail in Case Crime No. 329 of 2024, under Sections 191 (2), 191 (3), 190, 109, 103, 61 (2) BNS and Section 5/27 (1) Arms Act, Police Station-Civil Lines, District-Aligarh, during pendency of trial.

Learned counsel for the applicant submits that the accused applicant is innocent. He has been falsely implicated in the present case and is languishing in jail since 25.07.2024. He further submits that first information report was lodged by the informant against four named, including the applicant and some other unknown persons with the allegation that on the date of incident the husband of the first informant, namely Nadeem Mahmood and brother in law namely Kalim Mahmood while going to their office, in the way the applicant and other co-accused persons opened fire upon them in which both of them sustained severe injuries and during treatment the husband of the first informant namely Nadeem Mahmood died. Learned counsel for the applicant submits that only general role has been assigned to the applicant. No specific role of causing fire arm injury has been assigned to the applicant. He further submits that the first informant, neither in the the first information report nor in her statement has assigned any specific role of causing gun shot injury to the applicant. He further submits that the injured Kaleem Mahmood has also assigned general role to all the accused persons. He further submits that the recovery of one country made pistol on the pointing out of the applicant is planted one. After arguing at some length, learned counsel for the applicant submits that the applicant is languishing in jail since last six month having no previous criminal history as after implicating in the present case crime number the police of the same police station has falsely implicated the applicant in a Case Crime No. 90 pf 2025, under Section 2/3 of Gangster Act, Police Station-Civil Lines, District-Aligarh, and there is no likelihood of his fleeing from course of justice or tampering with evidence in case

of release on bail. Hence, bail has been prayed for.

Per contra, learned A.G.A. as well as learned counsel for the first informant have vehemently opposed the bail prayer of the applicant by contending that applicant is named in the first information Report. The injured in his statement alleged that all the accused persons including the applicant has caused fire arm injury upon him and the deceased. They further submits that in the post mortem report the reason of death of the deceased has been opined as "**Cardiopulmonary arrest as a result of gunshot injuries**" and in case, the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail but could not dispute the fact that no specific role has been assigned to the applicant, he is languishing in jail since last six months and he has no previous criminal history except one subsequent case which has been lodged by the police of the same police station as mentioned in paragraph no. 2 of the supplementary affidavit.

Considering the nature of the offence, material/evidence brought on record, complicity of the accused, severity of punishment, the submissions made by the learned counsel for the parties, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant-**Junaid**, involved in aforesaid case crime be released on bail on his furnishing a personal bond and two local sureties each of the like amount to the satisfaction of the court concerned, subject to the following conditions:-

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

January 21, 2026
Deepak/

(Ashutosh Srivastava,J.)