



2026:AHC:5354

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44168 of 2025

Rohit Joshi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Durga Kumari, Kamlesh Kumar
Dwivedi
Counsel for Opposite Party(s) : G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.

Matter is taken up in the revised call.

This is the third bail application.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 206 of 2024 at Police Station- Malpura, District- Agra under Sections 364-A, 302, 201, 34, 427 IPC. The applicant is in jail since 08.06.2024.

The first and second bail applications of the applicant were rejected by this Court on 19.09.2024 and 05.08.2024 respectively.

The following arguments made by Sri Kamlesh Kumar Dwivedi, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Shravan Kumar Dubey, learned A.G.A. from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.
2. The applicant never influenced witnesses or tampered with the evidence.
3. The applicant did not adopt dilatory tactics or impede the trial proceedings.

4. The status report sent by the learned trial court records that the prosecution proposes to examine 12 witnesses to bring home the charges against the applicant. Six prosecution witnesses have been examined till date. The examination of I.O. who is P.W. 7 is on foot. All material witnesses have been examined. The sole eye witness has not supported the prosecution case against the applicant. The prosecution evidence is nearing closure and the stage will shortly be set for proceedings under Section 313 Cr.P.C./introduction of defence evidence.

5. The police investigations were vitiated by pro-prosecution bias inasmuch as the lines of investigation which were consistent with the innocence of the accused were not followed and exculpatory evidences in favour of the applicant have not been retrieved.

6. There is no possibility of the applicant influencing the said material witnesses or tampering with the evidence.

7. The applicant on the fateful day and time of the incident was at another place. The applicant may want to collect and introduce evidence to establish his plea of alibi that he was not present at the site when the incident occurred.

8. Various exculpatory aspects of the prosecution evidence tendered before the Court were pointed out. However, this Court declines to appraise the evidence at this stage as it may influence the trial.

9. The applicant belongs to a marginalized section of the society and has been abandoned by his friends and family alike. He does not have any effective paurokar to conduct his defence before the trial court. He needs to gather resources for effectively tendering his defence and engaging a counsel to prosecute his case in a professional manner before the trial court.

10. Continued incarceration of the applicant will disable him from crafting an effective defence strategy and prevent him from

gathering evidence in his support and tendering the same before the learned trial court to establish his innocence. Further detention of the applicant will be detrimental to his defence in the trial and inconsistent with the norms of fairness in criminal processual jurisprudence. In fact such detention of the applicant in these facts will be punitive in nature. **[Ref: Prabhat Gangwar v. State of U.P. (Criminal Misc. Bail Application No. 2586 of 2023), Asha v. State of U.P. (Criminal Misc. Bail Application No.13193 of 2025 and Vikas Kanjad v. State of U.P. (Criminal Misc. Bail Application No. 19170 of 2025)]**

11. The applicant does not have any criminal history apart from the instant case.

12. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the trial proceedings. There is no possibility of the applicant influencing witnesses, tampering with the evidence or reoffending.

In wake of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

It is clarified that the submissions regarding the defence are without prejudice to the accused and the defence proposed to be tendered on his behalf without being limited or influenced by this order.

Let the applicant- **Rohit Joshi** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date

fixed, unless personal presence is exempted.

The learned trial court is directed to fix the sureties after due application of mind in light of the judgement passed by this Court in **Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt. (Application U/S 482 No.2613 of 2023)**. The learned trial court shall ensure that the right of bail of the applicant granted by this Court is not frustrated by arbitrary demands of sureties or onerous conditions which are unrelated to the socioeconomic status of the applicant.

It is further directed that in case the applicant does not cooperate in the trial or adopts dilatory tactics, the learned trial court shall record a finding to this effect and cancel the bail without recourse to this Court.

(Ajay Bhanot,J.)

January 8, 2026

Vandit