



2026:AHC:6208

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 41231 of 2025

Mahendra Singh Alias Muneem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raj Kumar Sharma, Sunil Kumar
Counsel for Opposite Party(s)	:	G.A., Raja Ram Kushwaha

Court No. - 46

HON'BLE SIDDHARTH, J.

Heard Sri Raj Kumar Sharma, learned counsel for the applicant; Sri Raja Ram Kushwaha, learned counsel for the informant and learned A.G.A for the State and perused the material on record.

Supplementary affidavit filed today is taken on record.

This is second bail application of the applicant.

The first bail application of the applicant was rejected by the court on 26.09.2024.

Learned counsel for the applicant has filed a supplementary affidavit, bringing on record relevant documents, including the fact that a cross case regarding the offence of attempt to murder has been lodged by the applicant's side against the informant's side arising out of the same incident. It is further stated that the applicant also sustained injuries in the said incident. He has submitted that the applicant's side was not aggressor but the informant's side was aggressor. It is contended that both parties suffered injuries and that the present case as well as the cross case are pending consideration before the trial court. Four prosecution witnesses have been examined in this case before the trial court. The applicant is in jail since 10.04.2023 and has no previous criminal history to his credit.

On the other hand learned A.G.A has opposed the prayer for bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties noted above,

finding force in the submissions made by the learned counsel for the applicant, larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of ***Manish Sisodia vs. Directorate of Enforcement, 2024 LawSuit (SC) 677*** and considering 5-6 times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, Mahendra Singh Alias Muneem, involved in Case Crime No. 133 of 2023, under Sections- 147, 148, 307, 302, 323, 325, 452 and 504 IPC, Police Station- Shivali, District- Kanpur Dehat, F.I.R dated 09.04.2023, 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 shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.
- (iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.
- (iv) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A of the Indian Penal Code.
- (v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) 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.

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

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

Trial court is directed to conclude the trial of the applicant as expeditiously as possible preferably within period of six months from the date of production of certified copy of this order.

January 9, 2026
Rohit

(Siddharth,J.)