



2026:AHC:18709

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16755 of 2024

Akash Alias Akash Shakya

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Arvind Kumar, Durgesh Dubey,
Sarvesh Kumar Dubey, Sushil Kumar
Counsel for Opposite Party(s) : G.A., Jitendra Kumar Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Fourth supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Arvind Kumar, learned counsel for the applicant, Sri Jai Shubham, Advocate holding brief of Sri Jitendra Kumar Mishra, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.693 of 2023, under Sections 147, 148, 149, 452, 302, 307, 504 I.P.C. and 3/25/27 Arms Act, Police Station Bhogaon, District Mainpuri, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The prosecution has examined six witnesses in all. The PW-1 had deposed against the applicant during examination-in-chief, but subsequently resiled from his earlier statements during his cross-examination and did not support the prosecution story as a whole. Subsequent to it, five more witnesses have been examined as PW-2, PW-3, PW-4, PW-5 and PW-6 who have completely resiled from their earlier statements and have been cross-examined by the public prosecutor after declaring them hostile.
5. It is further argued by learned counsel for the applicant that there is no likelihood of conviction of the applicant in the present case. There is no

criminal antecedent of the applicant. The applicant is languishing in jail since 27.10.2023 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application but could not dispute the fact that there is no criminal history of the applicant and the witnesses have turned hostile.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and taking into consideration that witnesses of fact have turned hostile during trial, and without expressing any opinion on the merits of the case, prima facie, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

8. Let the applicant- **Akash Alias Akash Shakya**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

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 based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 28, 2026

Vikas Verma