



2026:AHC:3459

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25052 of 2025

Mohd. Swaleh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mayank Bhushan Nath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Mayank Bhushan Nath Tripathi, learned counsel for the applicant, Shri Arimardan Yadav, learned AGA for the State-respondents and perused the record.

This is the second bail application filed by the applicant. The first bail application filed by the present applicant has been rejected by this Court by means of a detailed order dated 2.5.2025 passed in Criminal Misc. Bail Application No. 8818 of 2025, a copy of which has been brought on record as Annexure-1 to the bail application.

This second bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Mohd. Swaleh, seeking enlargement on bail in Case Crime No. 162 of 2024, under Sections 318 (4), 338, 336 (3), 340 (2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66D of I.T. Act, Police Station Colonolganj, District Kanpur Nagar, during the pendency of the trial before the Court below.

In support of this second bail application, learned counsel for the applicant has reiterated the entire submissions made in the first bail application, which are not necessary to mention herein again by this Court.

Apart from the above, learned counsel for the applicant submits that accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 28.12.2024. Learned counsel for the applicant submits that similarly circumstanced co-accused

Mohd. Jawed Akthar has already been enlarged on bail by Hon'ble Supreme Court in ***Criminal Appeal No. Nil of 2025 (arising out of SLP (Crl.) No.16650 of 2025*** vide order dated 13.11.2025. Learned counsel for the applicant submits that charge sheet in this case has already been filed on 21.7.2025. He has no criminal antecedent 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.

Learned AGA has vehemently opposed the prayer for bail.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is ***allowed***.

Let the accused-applicant, **Mohd. Swaleh**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in 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.

(Ashutosh Srivastava,J.)

January 7, 2026
Ravi Prakash