



2026:AHC:14284

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3226 of 2025

Kaloo Alias Kuldeep

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjay Pathak
Counsel for Opposite Party(s)	:	G.A., Som Veer

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Shri Sanjay Pathak, learned counsel for the applicant as well as Sri R.P. Patel, learned State Law Officer and perused the record. None is present on behalf of the informant.
3. Applicant seeks bail in Case Crime No. 29 of 2023, under Sections 302, 34 IPC, Police Station Hathras Gate, District Hathras, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Shivam @ Shibbu has already been enlarged on bail by this Court vide order dated 8.9.2025 passed in Criminal Misc. Bail Application No. 30397 of 2023. He further submitted that since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. The applicant is languishing in jail since 9.2.2023 having criminal history which stands explained.
5. The prayer for bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspect of parity to the co-accused has not been disputed by him.
6. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases

against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

7. Considering the facts and circumstances of the case and in light of the judgement passed by this Court in ***Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cr.L.J. 938*** and the judgements passed by the Supreme Court in ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021*** and in ***Satender Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51***, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed*** on the ground of parity.

8. Let the applicant- **Kaloo Alias Kuldeep** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall not tamper with evidence.
- (ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

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

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 on the testimony of the witnesses.

(Krishan Pahal,J.)

January 20, 2026

Shalini