



2026:AHC:12513

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 14977 of 2025

Mohsin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudhir Kumar Agarwal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sudhir Kumar Agarwal, learned counsel for the applicant and Sri Abhishek Mishra, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 161 of 2020, under Section 302 of IPC, Police Station - Thana Bhawan, District - Shamli**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. He is not named in the FIR. His name has come up in the confessional statement of co-accused person which has no evidentiary value in the eyes of law.
5. Learned counsel has also stated that a false recovery of country made pistol has been shown at the pointing out of the applicant.
6. Learned counsel has next contended that the criminal history of 13 cases assigned to the applicant stands explained in the affidavit. The applicant is languishing in jail since 20.06.2020. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
7. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

8. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the fact that the applicant is not named in the FIR and no cogent evidence has come up against him, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Mohsin**, 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

12. 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.

January 19, 2026
Siddhant

(Krishan Pahal,J.)