



2026:AHC:12652

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21775 of 2025

Akash Alias Akku

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajeev Mishra, Ritesh Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ritesh Kumar Singh, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. This is the second bail application filed on behalf of the applicant. The first one was rejected by a co-ordinate Bench of this Court vide order dated 4.3.2024 passed in Criminal Misc. Bail Application No. 50155 of 2022.
4. Applicant seeks bail in Case Crime No. 01 of 2022, under Sections 302, 34 I.P.C., Police Station Beta-2, District Gautambudh Nagar, during the pendency of trial.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The applicant is languishing in jail since 1.1.2022, as such, the period of incarceration is more than four years. His fundamental rights enshrined under Article 21 of the Constitution of India stands violated. Only the examination-in-chief of PW-1 has been conducted and the trial is going on at a snail's pace, as such, there is no likelihood of conclusion of trial in the near future.
6. Learned counsel for the applicant has further argued that there is no previous criminal history of the applicant except one case of Arms Act

foisted on him after the instant case. and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

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, the evidence on record, taking into consideration the period of incarceration and that the trial is going on at a snail's pace 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**.

10. Let the applicant- **Akash Alias Akku**, 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 pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall 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.

(Krishan Pahal,J.)

January 19, 2026 \Shalini