



2026:AHC:11960

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43332 of 2024

Munna @ Ashraf

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Irshad Ahmad, Sushil Kumar Tewari
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Sushil Kumar Tewari, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 381 of 2023, under Sections 323, 307, 302, 504 I.P.C., Police Station Hayatnagar, District Sambhal, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. PW-1 and PW-2 are the witnesses of fact and they have been examined during trial and they have completely resiled from their earlier statements and have been cross-examined by the public prosecutor after declaring them hostile. PW-3 is the panch witness, as such, he is simply a formal witness. PW-4 and PW-5 are the eye-witnesses and they have turned hostile, as such, there is no likelihood of conviction of the applicant in the present case.
5. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 9.11.2023 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. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the witnesses have turned hostile, and without expressing any opinion on the merits of the case, 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- **Munna @ Ashraf**, 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.

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 19, 2026

Shalini