



2026:AHC:2485

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45361 of 2025

Ashok

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Shekhar Kushwaha
Counsel for Opposite Party(s)	:	Ashish Kumar, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Chandra Shekhar Kushwaha, learned counsel for the applicant and Sri Ashish Kumar, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 10 of 2025, under Sections 103(1), 238, 61(2) of BNS, Police Station - Mainather, District - Moradabad**, 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.
5. Learned counsel has also stated that the name of applicant has come up for the first time by means of application given by informant's father on 18.02.2025 which is after a delay of more than one month. The said application is hit by Section 181 BNSS, as such, it cannot be taken into consideration. Even the statement of informant's father, who filed the said application at police station, has been recorded as an afterthought after a delay of eight months which speaks volume of false implication.
6. Learned counsel has next contended that the criminal history of three

cases assigned to the applicant stands explained in the affidavit. The applicant is languishing in jail since 23.09.2025. 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 and learned counsel for the informant have vehemently opposed the bail application on the ground that the applicant is the main assailant and has committed the said offence, as such, he is not entitled for bail. However, they could not dispute the fact that the applicant has no criminal history.

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 application given by informant's father is hit by Section 181 BNSS and the same was itself delayed by more than one month, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Ashok**, 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.

(Krishan Pahal,J.)

January 5, 2026
Siddhant