



2026:AHC:9017

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40276 of 2025

Subodh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rajeev Sawhney
Counsel for Opposite Party(s)	: G.A., Mahabeer, Rahul Kumar Singh

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Earlier in the morning a mention was made on behalf of applicant to take up the case. When the case was taken up learned counsel for the informant did not appear even in the revised call, whereas, names of two counsel is printed in the cause list on behalf of informant inspite of the fact that learned counsel for the applicant has intimated both the counsel appearing for the informant through whatsapp as well as text message on their mobile numbers. Learned counsel for the applicant has produced the print out of whatsapp message as well as text message before this Court, which is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.

3. Learned counsel for the applicant submits that this is the second bail application moved on behalf of applicant. His first bail application was allowed by this Court vide order dated 29.04.2024 passed in Criminal Misc. Bail Application No. 24561 of 2023. After the bail application of the applicant was allowed the informant approached this Court by means of filing Criminal Misc. Bail Cancellation Application No. 93 of 2025 (Phireram Vs. State of U.P. and another) on the ground that the applicant is threatening and intimidating the witnesses, which bail cancellation was disposed of by this Court vide order dated 11.04.2025 with the direction that in case, the informant moves an appropriate application on the proforma prescribed in the Witness Protection Scheme 2018 along with a certified copy of this order for redressal of his grievances before the

competent authority as has been defined under Section 2(c) of the Witness Protection Scheme, 2018 within a week from today, same shall be considered and decided as expeditiously as possible, preferably within a period of one month from date of filing such application, strictly in accordance with the Witness Protection Scheme 2018. Learned counsel further argued that against the order dated 11.04.2025 passed in the aforesaid bail application the informant approached Hon'ble Apex Court by filing Special Leave Petition (Crl.) No. 9082 of 2025, in which while granting leave, the Hon'ble Supreme Court disposed of the said criminal appeal vide order dated 02.09.2025, setting aside the impugned order passed therein and remanded the matter to this Court with the direction to rehear the application of cancellation of bail on its own merits, after calling for an appropriate report from the Investigating Officer as regards the two FIRs which have been registered by Chahat Ram, i.e., one of the witnesses in the said case and after giving an opportunity of hearing to all the parties concerned and looking into the report that this Court may call for from the I.O., this Court shall proceed thereafter to pass an appropriate order in accordance with law. Thereafter, when the said bail cancellation was taken up after remand, this Court issued notice to the opposite party No. 2 (applicant herein) while directing the learned counsel for the State to seek specific instructions with regard to the averments made in paras-12, 13, 14 & 15 of the affidavit accompanying the said bail cancellation application. Learned counsel further argued that when the case was taken up 04.11.2025, the counsel for the accused-applicant was not present, as such, the bail cancellation was allowed and the bail granted to the accused-applicant herein has been cancelled vide order dated 04.11.2025. Learned counsel further submits that pursuant to the order dated 04.11.2025 passed by this Court the applicant has complied the said order by surrendering before the concerned court on 06.11.2025, who was taken into custody and has been sent to jail. Learned counsel thus argued that now the second bail application has been moved before this Court seeking enlargement of the applicant on bail.

5. Learned counsel further argued that the grounds taken in the bail cancellation application are that the accused-applicant after being enlarged on bail by this Court started giving threatening to the informant and during the trial the applicant and two others abused and threatened to

kill the brother and nephew of the informant. In this regard, the brother of the informant namely, Chahatram had lodged a first information report on 15.05.2024 against the applicant and two unknown persons in Case Crime No. 262 of 2024 under Section 506 I.P.C. Again on 10.10.2024 the applicant stopped the brother of the informant and threatened him not to do pairvi of the case, on resistance, his brother was beaten and abused. With regard to such incident, the informant lodged a first information report dated 12.12.2024 in Case Crime No.740 of 2024 under Section 115(2), 352 of B.N.S. against the applicant. Learned counsel next argued that considering the submission advanced by the learned counsel for the informant in the bail cancellation application the bail has been cancelled. Learned counsel next submits that during the aforesaid interregnum the trial has commenced which has been registered as Session Trial No. 749 of 2022 (State Vs. Subodh). Learned counsel has submitted that the applicant had threatened Chahatram (P.W.2 of the trial), with regard to said incident the F.I.R. was lodged on 15.05.2024 against the applicant and two unknown persons. Learned counsel further submits that the second F.I.R. was lodged on 12.12.2024 by P.W.2-Chahatram against the applicant with regard to incident alleged to have taken place on 10.10.2024 with the allegation that the applicant had threatened P.W.2-Chahatram and had committed marpeet with him. In this regard, learned counsel for the applicant has drawn attention of this Court at page-33 of the supplementary affidavit dated 18.11.2025 to demonstrate that the testimony of material witness, P.W.2-Chahatram was commenced on 01.06.2023 and his cross examination was concluded on 23.07.2023. He further submits that the testimonies of P.W.1/informant-Phereram, P.W.2 namely Dinesh alias Praveen, P.W.4 namely Surendra Kumar and P.W.5-Rahul, have already been concluded on 23.05.2023, 25.07.2023, 16.11.2023 and 10.10.2023, respectively. To demonstrate the same, the testimonies of P.W.1 to P.W.5 are at page-11 to page -88 of the supplementary affidavit dated 18.11.2025. Whereas, testimonies of P.W.5, P.W.6, P.W.7, P.W.8 and P.W.9, who are formal witnesses, have also been concluded. Learned counsel next argued that the testimonies of material witnesses, P.W.1, P.W.2, P.W.3, P.W.4 and P.W.5 have already been concluded prior to lodging of the F.I.R. by P.W.2-Chahatram. It is thus contended that there was no occasion for the applicant to threaten or

to intimidate the witnesses and to gain undue benefit in the trial. Learned counsel next argued that the informant have concealed the material facts not only before this Court but also before Hon'ble Apex Court for obtaining the orders. It is thus contended that serious note be taken against him. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that the applicant is in jail since 06.11.2025 with no criminal history.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

7. Considering the fact that the testimonies of material witnesses, i.e. P.W.1 to P.W.5 have already been concluded prior to lodging of the two FIRs, as well as considering the overall facts and circumstances, the nature of allegations, the gravity of offence, and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

8. Let the applicant-Subodh, be enlarged on bail in Case Crime No. 137 of 2022, under Sections 364, 302, 201 I.P.C., Police Station- Surajpur, District- Gautam Buddh Nagar, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as

to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

9. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

10. The trial court may make all possible efforts/ endeavour and try to conclude the trial expeditiously after the release of the applicant.

(Dr. Gautam Chowdhary,J.)

January 12, 2026

Mustaqeem./Shashi