



2026:AHC:8961

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43396 of 2025

Monu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Raghvendra Prakash, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Gaurav Kakkar, learned Senior Advocate, assisted by Sri Raghvendra Prakash, learned counsel for applicant and Sri B.P. Singh, learned Additional Government Advocate.

2. This is third bail application. The first and second bail applications were rejected vide orders dated 27.01.2025 and 30.04.2025. For reference, order dated 30.04.2025 is reproduced hereinafter:

"1. Heard Sri Gaurav Kakkar, learned counsel for the applicant and Sri Bhupendra Pal Singh, learned A.G.A. for the State.

2. This Court has passed following order on 27.01.2025 in Crl. Misc. Bail Application No. 47170 of 2024:-

"Sri Sudhir Mehrotra, Advocate holding brief of Sri Navin Kumar, learned counsel for applicant and Sri B.P. Singh, learned A.G.A. for State.

The applicant has approached this Court by way of filing the present Criminal Misc. Bail Application seeking enlargement on bail in Case Crime No. 322 of 2019, under Sections 147, 148, 149, 452, 307, 302, 325, 323, 324, 504, 506 I.P.C., Police Station - Nagal, District - Saharanpur.

Applicant before this Court was summoned in pursuance of an order passed by this Court on 05.07.2024 in a proceeding

arising out of Section 319 Cr.P.C. and thereafter he was arrested on 25.11.2024 and he is in jail for about a period of two months.

According to status report of Trial Court trial was proceeded against other accused persons and out of 14 witnesses, statement of 4 prosecution witnesses have been examined and now the said witnesses have to be recalled for the purpose of trial of present applicant.

Learned counsel for applicant submits that similarly situated co-accused have already been granted bail and he refers the reason assigned by this Court in order dated 20.07.2021, whereby the bail of co-accused 'Joni' has been granted and said part of it is reproduced hereinafter :-

"7. Considering the rival submissions, material available on record, the period of detention already undergone, the unlikelihood of early conclusion of trial, absence of any convincing material to indicate the possibility of tampering with the evidence, relevant factors mentioned above, particularly that there was no firearm injury caused either to the deceased or any injured persons though allegedly it was used during the occurrence. The deceased had died after ten days from the date of incident. No specific role has been assigned to the applicant and considering that out of total seven accused persons, five have been granted bail by this Court, the applicant is entitled to be released on bail in this case. "

Learned A.G.A. for State submits that aforesaid order was passed when said applicant has already been under gone substantial period, however, present applicant is in jail only for last two months.

I have considered the above submission and as referred, the trial of applicant is in a very initial stage, therefore, no case of bail is made, however, if it does not proceeded

substantially within 10 months, applicant will have liberty to approach this Court again.

Accordingly bail application is rejected."

3. The applicant has filed this bail application within 21 days after the aforesaid order was passed.

4. No subsequent event is made out to file second bail application within the very short period.

5. Accordingly, this bail application is rejected. "

3. According to status report dated 02.01.2026, out of proposed 09 witnesses, 07 have been examined and trial may be concluded within three months.

4. Learned counsel for applicant submits that applicant was summoned on the basis of an order passed under Section 319 Cr.P.C. and he is in jail since 10.12.2024 i.e. just more than 1 year. He further submits that initially summoned six other accused persons have been granted bail and he refers the order dated 20.07.2021 passed by this Bench in Criminal Misc. Bail Application No.23537 of 2021. He also refers paragraph 7 of said bail application which is reproduced hereinafter:

"7. Considering the rival submissions, material available on record, the period of detention already undergone, the unlikelihood of early conclusion of trial, absence of any convincing material to indicate the possibility of tampering with the evidence, relevant factors mentioned above, particularly that there was no firearm injury caused either to the deceased or any injured persons though allegedly it was used during the occurrence. The deceased had died after ten days from the date of incident. No specific role has been assigned to the applicant and considering that out of total seven accused persons, five have been granted bail by this Court, the applicant is entitled to be released on bail in this case."

5. He further submits that applicant's case is also similarly situated to that of co-accused persons who have been granted bail by this Bench and he is in

jail since 10.12.2024 i.e. just more than one year.

6. *Per contra*, learned AGA has opposed the bail, however, he has not disputed the aforesaid referred facts that all other co-accused persons have been granted bail and the trial has substantially proceeded as well as reasons given in Criminal Misc. Bail Application No.23537 of 2021.

7. I have considered above submissions and perused the records and I am of the view that applicant has made out a case of bail on basis of parity as applicant is already in jail for more than 1 year and the trial has proceeded much; there is no reason to take a contrary view passed in Criminal Misc. Bail Application No.23537 of 2021, and that no circumstance exists that applicant may influence any witness, therefore, Court is of the view that a case of bail is made out.

8. Let the applicant- **Monu** be released on bail in S.T. No.11 of 2021, arising out of Case Crime No.322 of 2019, under Sections 147, 148, 149, 452, 323, 324, 325, 307, 302, 504, 506 I.P.C., Police Station - Nangal, District - Saharanpur on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment or exemption from appearance on the date fixed in trial. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under section 174-A I.P.C.

(iv) The Trial Court may make all possible efforts/endeavour and try to conclude the trial expeditiously, preferably within a period of six months

after release of applicant, if there is no other legal impediment.

(v) Applicant has to appear on each and every date before learned trial Court and any application for exemption of his appearance on vague ground could be a ground for cancellation of bail by learned trial Court immediately.

9. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

10. The bail application is **allowed**.

11. It is made clear that the observations made hereinabove are only for the purpose of adjudicating the present bail application.

12. Trial Court will take all endeavour to expedite the trial.

(Saurabh Shyam Shamshery,J.)

January 13, 2026

CS/-