



2026:AHC:10509

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 36416 of 2024

Gaurav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ankur Singh Kushwaha, Diwan
Saifullah Khan
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Diwan Saifullah Khan, learned counsel for the applicant, Ms. Ifrah Islam learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 149 of 2024, under Section 302 I.P.C., Police Station Daurala, District Meerut, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about six days and there is no explanation of the said delay caused.
5. Learned counsel for the applicant has further argued that prior to the institution of FIR, the father of the informant and the deceased instituted a missing report at the police station on 22.5.2024 and he did not whisper a single word against the applicant therein. The said missing report has been entered as GD 51 on 22.5.2024 at about 8.26 pm, as such, it is a clear-cut case of false implication.
6. It is further stated by learned counsel for the applicant that false recovery of a mobile number 9690909760 has been foisted on the applicant and co-accused, as such, the applicant is entitled for bail. It is mentioned in the FIR itself that the informant knew that the applicant was having the mobile of the

deceased but father of the informant did not mention the said fact in the missing report. There is no criminal history of the applicant. The applicant is languishing in jail since 30.5.2024 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 State Law Officer has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. This Court had called for the status of trial. The status report dated 14.11.2025 indicates that three witnesses have been examined.

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 delay in FIR, the fact that the applicant is not named in the missing report and the trial is moving 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- **Gaurav**, 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 16, 2026Shalini