



2026:AHC:3267

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45999 of 2025

Chhatrapal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Sharma, Satish Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Pankaj Sharma, learned counsel for the applicant, Sri Prabhat Kumar Singh, learned counsel for the informant, Sri Yogesh Mishra, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.79 of 2025, under Sections 103(1), 191(1), 191(2), 190, 109(1), 115(2), 304(2) B.N.S., 2023, Police Station Kaila Devi, District Sambhal, during the pendency of trial.
4. As per prosecution story, the applicant alongwith seven other co-accused persons and 10-12 unknown persons are stated to have assaulted and caused injuries to four person in all, of which one Girdhari succumbed to the injuries on 15.05.2025 at about 4:00 p.m.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed by about 18 hours and there is no explanation of the said delay caused. There are general and omnibus allegations against all the accused persons in the FIR, but subsequently the statement of the informant was recorded 4 days after the incident, whereby he has distinguished the role and has assigned the role of applicant having assaulted and caused injuries to Roop Kishor.
6. Learned counsel for the applicant has further argued that the statement of

Roop Kishor was also recorded and has also stated that he was assaulted by the applicant and so as the other injured persons. The said statement falsifies the prosecution story as alleged in the FIR, which itself was instituted after much consultation. It is a clear-cut case of false implication as belatedly the story has been cooked up and the roles have been diversified by the prosecution. The criminal history of one case assigned to the applicant stands explained. The applicant is languishing in jail since 20.05.2025 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 counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that three injured persons have been examined and all of them have assigned the role of applicant having caused injuries to Roop Kishor, who had sustained one lacerated wound on his cranium which is a vital part of the body, as such, the applicant is not entitled for bail.

8. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

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 institution of FIR and the said inconsistency in the FIR to the statements of the three injured persons which was recorded belatedly, 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- **Chhatrapal**, 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 7, 2026
(Ravi Kant)