



2026:AHC:66139

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10666 of
2026

Kriparam @ Tunde

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Jitendra Kumar, Keshav Hari
Dixit, Purushottam Dixit

Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Rahul Kumar Yadav, Advocate, has filed his Vakalatnama on behalf of the informant. The same is taken on record.
2. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Sri Rahul Kumar Yadav, learned counsel for the informant.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 4 of 2026, under Sections 115(2), 110, 351(3), 105 B.N.S., Police Station Chakar Nagar, District Etawah during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 08.01.2026, whereas the first information report was lodged belatedly on 10.01.2026 under Sections 115(2), 110, 351(3) B.N.S. The delay is fatal to the prosecution case. During investigation, Section 105 B.N.S. was added. As per the first information report, the applicant along with co-accused Phool Singh Pradhan is alleged to have assaulted the father of the informant. However, the memo of UPUMS, Saifai, Etawah records that the deceased was admitted on

09.01.2026, where the doctor noted strangulation haemorrhagic. The deceased succumbed to the injuries on 11.01.2026. However, the postmortem report records only a contusion of size 4x3 cm. on the parietal region of the head. The cause of death has been opined as coma due to antemortem head injury. It is contended that there exists a material inconsistency between the medical examination report dated 09.01.2026 and the postmortem report. The said inconsistency discredits the prosecution case. The author of the single injury caused on the head of the deceased is not known. Vague and general allegations have been levelled. At this stage there is no corroborative evidence to link the applicant with the offence. Further, co-accused Phool Singh Pradhan alias Vipin Singh has been granted bail by this Court vide order dated 27.02.2026 passed in Criminal Misc. Bail Application No. 7841 of 2026, Phool Singh Pradhan alias Vipin Singh v. State of U.P. The applicant claims parity. The applicant is in jail since 22.01.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. There are material inconsistency between the medical examination report dated 09.01.2026 and the postmortem report. The said inconsistency discredits the prosecution case at this stage. The author of the single injury caused to the deceased is not known. Vague and general allegations have been levelled. At this stage there is no corroborative evidence to link the applicant with the offence. Co-accused Phool Singh Pradhan alias Vipin Singh has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than two months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay

the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Kriparam alias Tunde, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 30, 2026
SKT/-

(Vivek Varma,J.)