



2026:AHC:67698

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10898 of 2026

Mohammad Shahan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Hemant Sharma, Saurabh Kumar
Counsel for Opposite Party(s)	: G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Hemant Sharma, learned counsel for the applicant, Sri Ram Kumar Verma, learned A.G.A. for the State and perused the record.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 1843 of 2021, under Sections 147, 148, 149, 302, 307, 120B IPC, Police Station- Kotwali Dehat, District Bulandshahr.
3. Contention of learned counsel for the applicant is that the applicant was neither named in the FIR nor in the statement of any witnesses. Subsequently name of the applicant came into picture in the second statement of co-accused Afzal, wherein only allegation made against the applicant is that he is involved in conspiracy by providing a car to the named accused, which was used in killing the deceased. He further submitted that there is no incriminating material against the applicant except second statement of co-accused, therefore, he has been falsely implicated. It is further submitted that similarly situated co-accused Iqbal has already been granted bail by a co-ordinate Bench of this Court in Criminal Misc. Bail Application No.28570 of 2022 vide order dated 09.09.2022. Therefore, the applicant is entitled to be released on bail on the ground of parity. He lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has explained the criminal history of four cases in the accompanying affidavit and he is languishing in jail since 27.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Mohammad Shahan** involved in the aforementioned 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, with the following conditions:-

i. 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that

the certified copy will be filed within 15 days.

10. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

March 31, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)