



2026:AHC:67037

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10862 of 2026

Badshah

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Idrak Ahmad, Nimsha Khursheed
Counsel for Opposite Party(s)	:	G.A.

Court No. - 33

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The instant bail application no. 10862 of 2026 has been filed by the applicant for enlarging him on bail in Case Crime No. 617/2021 under Sections 2 and 3 of U.P. Gangster and Antisocial Activities (Prevention) Act 1986, Police Station- Khair, District-Aligarh.
3. Perusal of record evinces that applicant was earlier enlarged on bail, vide order dated **07.02.2022**. For ready reference same is reproduced hereunder :

"Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The present bail application has been filed by the applicant for enlarging him on bail in Case Crime No.0617 of 2021 under Section 2/3 of the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Khair, District- Aligarh.

Learned counsel for the applicant submitted that the applicant has been falsely implicated under the gangster act showing his involvement in three criminal cases i.e. Case Crime No.392 of 2021, Case Crime No. 480 of 2021 and Case Crime No. 481 of 2021. Copy of the gang chart is also annexed as Annexure-1 to the affidavit. It is submitted that in the aforesaid cases applicant has been enlarged on bail, copies of the bail orders have been annexed as Annexure Nos. 2, 3 and 4 respectively to the affidavit filed in support of the bail application. In paragraph 11 of the affidavit filed in support of bail application it is stated that there are three more cases against the applicant registered after his arrest in case crime no. 480 of 2021. In all three cases i.e. (i) Case Crime No.872 of 2021,

under Section 3/5/8 of Cow Slaughter Act, (ii) Case Crime No.0215 of 2021, under Section 3/5/8 of Cow Slaughter Act and (iii) Case Crime No.484 of 2021, under Section 4/25 of Arms Act, applicant is already released on bail. In para 13 of affidavit it is stated that there is no any other previous criminal history of the applicant.

Learned counsel for the applicant further submits that in case the applicant is released on bail he will not misuse the liberty of bail and there is no apprehension of his absconding or hampering the trial in any manner. The applicant is languishing in jail since 06.10.2021.

Per contra, learned A.G.A. has vehemently opposed the bail application and contended that innocence of the applicant cannot be adjudicated at pre trial stage, therefore, he does not deserve any indulgence and there is likelihood of his involvement in other case. In case he is released on bail, he may misuse the liberty of bail.

Considering the facts and circumstances of the case as well as the submissions made by the learned counsel for the parties, without expressing any opinion on the merits of the case, this Court is inclined to grant bail to the present applicant.

Accordingly, the bail application is allowed. Let the applicant- Badshah be released on bail in the aforesaid case, on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to the following conditions :-

- 1. The applicant shall not tamper with the prosecution evidence and shall not harm or harass the victim/complainant in any manner whatsoever.*
- 2. The applicant shall abide by the orders of the Court, shall attend the court on every date and shall not delay the disposal of trial in any manner whatsoever.*
- 3. The applicant shall not indulge in any unlawful activities.*
- 4. The applicant shall not misuse the liberty of bail in any manner whatsoever.*

The identity, status and residential proof of sureties shall be verified by the court concerned before the bonds are accepted and in case of breach of the conditions mentioned above, the court concerned shall be at liberty to cancel the bail and send the applicant to prison."

4. Subsequently, as mentioned in paragraph no. 11 of the instant bail application, the present applicant could not appear before the court below on the date fixed due to severe illness of jaundice and the tragic accidental death of his daughter. Owing to the non-appearance of the present applicant before the court below, the learned court concerned issued a non-bailable warrant vide order dated 04.07.2023. In pursuance of the said non-bailable warrant, the petitioner has been incarcerated since 29.10.2025.

5. It is submitted that there was no deliberate inaction or mala fide intention on the part of the present applicant to avoid the court proceedings; however, due to the unavoidable circumstances, he could not appear before the court. Therefore, his matter may be considered sympathetically in the light of his medical illness and the accidental death of his daughter.

6. Learned A.G.A. for the State respondents has vehemently opposed the bail application moved by the present applicant.

7. Considering the facts and circumstances of the case, the submissions made by learned counsel for the parties and also perusing the material on record, without expressing any opinion on merit of the case, I am of the view that the applicant is entitled for bail.

8. Let the applicant involved in aforesaid case crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

i). The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.

ii). He will not tamper with the witnesses.

iii). He will not indulge in any illegal activities during the bail period.

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

10. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

March 31, 2026

vkg

(Dinesh Pathak,J.)