



2026:AHC:58262

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7665 of 2026

Ravi Gupta @ Tantan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pradeep Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed today in court by learned counsel for the applicant is taken on record.
2. Heard Shri Thakur Prasad Dubey, Advocate holding brief of Shri Pradeep Kumar Mishra, learned counsel for the applicant, learned AGA for the State-respondent and perused the record.
3. This bail application has been moved on behalf of accused-applicant, **Ravi Gupta @ Tantan** seeking enlargement on bail in Case Crime No.24 of 2026 under Sections 109(1), 352, 351(2), 61(2) and 127(2) BNS, P.S.-Auriya, District- Auriya, during pendency of trial.
4. Tersely, as per allegation contained in the FIR, three known person, who are named in the FIR, and three unknown persons have caused fire arm injury to the injured/complainant Ashutosh Tiwari.
5. Learned counsel for the applicant submits that the accused-applicant is not named in the FIR. He further submits that he has not committed any offence as alleged in the FIR and has falsely been implicated in this case due to ulterior motive. Furthermore, initially, in the statement of the injured and in his subsequent statement, name of the accused-applicant was not surfaced regarding specific role and involvement of the accused-applicant for causing fire arm injury. He further submits that only common and general role of the accused persons, who are named in the

FIR have been assigned and the accused-applicant is not named in the FIR. Eye witness Gopal have generally stated that the three persons namely, Ravi Gupta, Rishabh Gautam and Dhruv Saxena have caused the fire arm injury to the injured but only one fire arm injury was said to be sustained by the injured, which is on the vital part. He submits that no material is available on record to show that the accused-applicant has caused the fire arm injury. So far as the recovery of country-made pistol (Tamancha) is concerned, the same has been made from the co-accused Rishabh Gautam. Recovery memo clearly mentions the fact that co-accused Rishabh Gautam has caused the fire arm injury to the injured. During the course of investigation, identification parade was also conducted in the presence of the informant Ashutosh Tiwari and eye witness Gopal and both of them stated that all the three accused persons have caused the fire arm injury to the injured and, thus, no specific and distinct role of the accused-applicant has been assigned during the course of identification parade. Furthermore, the accused-applicant has criminal history of six cases, which have been explained in para 25 of the bail application and para 3 of the supplementary affidavit and he is in jail since 14.01.2026. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail. He further submits that investigation is going on in this case.

7. Having considered the submissions that in the FIR, three known persons are named alongwith three unknown persons but the accused-applicant is not named in the FIR. In the statement of the injured and the eye witness, no specific and distinct role of the accused-applicant has been clearly assigned regarding causing fire arm injury. In the statement of the injured, he has not stated the name of the accused-applicant. In the confessional statement during the course of recovery procedure, role and involvement of one of the co-accused Rishabh has been surfaced on the

basis of the fact of recovery. Identification Parade was also conducted during the course of investigation in which, the injured/complainant and eye witness Gopal stated general allegation against the three accused persons and, thus, during the course of identification parade, the accused-applicant was not identified clearly and specifically regarding causing fire arm injury. Learned AGA admits the fact that criminal history has already been explained by learned counsel for the applicant. Accused-applicant is in jail since 14.01.2026 and keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of ***Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677***, dictum of Apex Court in ***Union of India vs. K.A. Najeeb (2021) 3 SCC 713*** & ***Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51*** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and **two heavy sureties** each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against him.
- (v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicant and sureties be verified by

the court concerned before the bonds are accepted.

(Santosh Rai,J.)

March 20, 2026
Ankit.