



2026:AHC:58487

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7866 of 2026

Sunil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kuldeep Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State-respondent and perused the record.
2. This bail application has been moved on behalf of accused-applicant, **Sunil Kumar** seeking enlargement on bail in Case Crime No.116 of 2025, under Sections 191(2), 115(2), 352, 351(3), 117(2) and 89 of BNS, P.S.- Civil Line, District- Etawah, during pendency of trial.
3. Tersely, as per allegation contained in the FIR, the accused-applicant and other co-accused persons have caused the grievous injury to the injured, namely, Ruchi, Chetna and Narayani.
4. Learned counsel for the accused-applicant submits that he has not committed any offence as alleged in the first information report and has been falsely implicated in the present case due to family/matrimonial and civil dispute between the parties. The accused-applicant and the informant are family members. He further submits that in the initial statement of the injured, namely, Ruchi, she has stated that she has sustained injury due to an accident which was caused by the cow and later on during the course of investigation, the role of involvement of the accused-applicant Sunil Kumar was disclosed in the subsequent statement (majeef bayan) of the victim/injured, Ruchi that the accused-applicant has caused the injury by hitting his leg on the abdomen of the injured. Thus, there is material contraction in the initial statement and the subsequent statement of the victim-Ruchi. He also submits that none of the injured persons have sustained any fracture or grievous injury. As per the medical report,

pregnancy of the injured has abruptly ended due to abortion but the accused applicant has not been held responsible for the same. He further submits that no specific and distinct role has clearly been assigned to the accused-applicant, either in the FIR or in the initial statement of the victim Ruchi, during the course of investigation by the Investigating Officer. Furthermore, the accused-applicant has no criminal history and he is in jail since 05.02.2026. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. 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.

5. Per contra, learned AGA 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.

6. Having considered the submissions that though the accused-applicant, namely Sunil Kumar is named in the FIR along with the other four co-accused persons, admittedly the informant/victim and the accused-applicant and other co-accused persons who are name in the FIR are in close relationship as they are family members/relatives. In the FIR and initial statement of the injured-Ruchi, no specific and distinct role has been clearly assigned to the accused-applicant, in causing the grievous injury to Ruchi on her abdomen. She has assigned the role regarding causing the injury on her abdomen at a very belated stage during the course of investigaiton on the basis of subsequent statement (majeed bayan). As per the submission of the learned AGA chargesheet has already been filed in this case on 06.02.2026 and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses, accused-applicant has no criminal history and is in jail since 05.02.2026 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 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.

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

8. 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

K.N.