



2026:AHC:58484

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7873 of 2026

Nazeem @ Nagim

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	A.Z. Khan
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 learned counsel for the applicant, learned A.G.A. for the State-respondent and perused the record.
3. This bail application has been moved on behalf of accused-applicant, **Nazeem @ Nagim** seeking enlargement on bail in Case Crime No.543 of 2025, under Sections 109(1), 352 and 3(5) of B.N.S., P.S.- Mandi, District- Saharanpur, during pendency of trial.
4. Tersely, as per allegation contained in the FIR, the accused-applicant-Nazeem @ Nagim and the co-accused have caused the injury with sharp weapon to the injured-Nawab.
5. Learned counsel for the accused-applicant submits that he has not committed any offence as alleged in the first information report. He further submits that a common and general has been assigned to the applicant in the FIR, of causing injury to the injured and the incident is said to have occurred at night. He further submits that in the statement of the complainant, namely, Smt. Farhana , who is said to be the wife of the injured-Nawab, has also not specified the distinct role of the accused-applicant regarding causing the sharp weapon injury. He also submits that in the statement of injured-Nawab, the specific and distinct role has been assigned to the co-accused, namely, Javed regarding causing the sharp weapon injury. He also contends that admittedly in the medical report, six injuries are shown and among then injuries no.2, 3, 4 and 5 are incised wound injuries, which are said to have been caused on the vital body parts

but the same have not been caused by the accused-applicant. Furthermore, the accused-applicant has criminal history, which has been duly explained in paragraph no.21 of the affidavit. Applicant is languishing in jail since 18.12.2025. Furthermore, as per submission of learned AGA, charge-sheet has already been filed in this case on 17.01.2026. 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.

7. Having considered the submissions that though the accused-applicant-Nazeem @ Nagim is named in the FIR alongwith co-accused-Javed but no specific and distinct role has been clearly been assigned to the accused-applicant, either in the FIR or in the statement of the injured as well as complainant-Smt. Farhana for causing the sharp weapon injury. The co-accused-Javed is said to be real brother of the accused-applicant-Nazeem @ Nagim. The injured-Nawab has stated specifically the role and involvement of the co-accused-Javed that he caused the incised wound injuries with the help of a knife and the role and involvement of accused-applicant, Nazeem @ Nagim is said to be of instigation only. Admittedly, the incised wound injuries/medical evidence, corroborate with the statement of the injured-Nawab but the aforesaid injuries are said to have caused by the co-accused- Javed who is the real brother of the accused-applicant. As per submission of learned AGA, chargesheet has already been filed in this case on 17.01.2026 and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses. The accused-applicant is languishing in jail since 18.12.2025 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. Najeel (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 their 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

K.N.