



2026:AHC:60167

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7980 of 2026

Shivam Alias Kalu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mukesh Chandra Gupta, Shubham
Prakash Gupta

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Shubham Prakash Gupta, learned counsel for the applicant, and Shri B.P. Maurya, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No. 104 of 2024, under Sections 352, 307, 120-B, 34 of I.P.C. and Sections 3/25/27 of Arms Act, registered at Police Station Sadar Bazar, District Meerut, during pendency of the trial.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that the applicant is not named in the first information report. It is further submitted that the injured in his statement has also stated that one person of long hair has assaulted him by firearm and he has identified the applicant and when the investigating officer showed him a photograph. It is further submitted that the test identification parade has been conducted by the investigating officer. The applicant, who is languishing in jail since 10.06.2024, undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant and it has been submitted by him that the injured has clearly identified the applicant during investigation.

5. First information report has been lodged against unknown and the name of the applicant has surfaced during investigation and the injured has stated that one person of long hair assaulted him by firearm and he is said to have identified the applicant, when the photograph of the applicant was shown to him by the investigating officer. No test identification parade has been conducted. As per injury report of the injured, firearm injury has been found on his face. The applicant, who is languishing in jail since 10.06.2024.

6. Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 19(4) of the Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

7. In the event of arrest of the applicant- **Shivam Alias Kalu** involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(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 not pressurize/intimidate the prosecution witnesses.

(iii) 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 under Section 351 of B.N.S.S.

(iv) 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 the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 24, 2026
RKM