



2026:AHC:53603

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8069 of 2026

Abhishek @ Bunty Chandel

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Adarsh Ojha, Ashwini Kumar Ojha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant and Shri Arimardan Yadav, learned AGA for the State-respondents and perused the record.

The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant Abhishek @ Bunty Chandel, with a prayer to release him on bail in Case Crime No. 307 of 2021, under Section 2/3 of Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Kotwali, District Jhansi, during pendency of the trial.

At the very outset learned AGA submits that no instructions has been received in the matter and as such he is not in a position to apprise the Court about the criminal antecedents of the applicant.

Learned counsel for the applicant submits that criminal antecedents of one case of the applicant, mentioned in the gang chart, as well as five other cases have been properly explained in paragraph 9 of the affidavit filed in support of bail application. He has also invited the attention of this Court to the decision of the Division Bench of this Court in Criminal Appeal No. 4127 of 2022 particularly to the paragraph which records that the applicant has criminal antecedents of six cases. He thus submits that in view of the observations made by the Division Bench of this Court the criminal antecedents as noticed by the Court, have been duly explained. In such circumstances the applicant is entitled to be enlarged on bail.

It is further submitted that the applicant is not a member or leader or organizer of a gang and he has not abetted or assisted in the activities of a gang as enumerated in clause (b) of Section 2 of the Act. Applicant has no criminal history except the aforesaid case. It is next submitted that there is also no possibility of the applicant either fleeing away from the judicial process or tampering with the witnesses. The applicant, who is languishing in jail since 15.07.2021, 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.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

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**.

Let applicant, **Abhishek @ Buntty Chandel**, be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions-

- (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.

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

It is made clear that if at the later stage it is pointed out by the learned AGA that applicant has criminal antecedents in excess to six cases, which has been explained, the bail to the applicant shall stand automatically rejected.

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.

(Ashutosh Srivastava,J.)

March 17, 2026

Deepak/