



2026:AHC:62426

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8250 of 2026

Tunne @ Mohd Kaleem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Nitesh Patel, Udit Chandra
Counsel for Opposite Party(s) : Ashok Kumar Upadhyay, G.A., Md
Zakir Husain, Nuruddin Khan, Varun
Kirti

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Udit Chandra along with Sri Nitesh Patel, learned counsel for the applicant, Sri Ashok Kumar Upadhyay, learned counsel for the first informant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 227 of 2025, under Sections 103(1), 61(2) B.N.S., Police Station Mungrabadshahpur, District Jaunpur.

3. Contention of learned counsel for the applicant is that the applicant is an innocent person and he has been falsely implicated in the present case. He further submitted that the applicant was not named in the FIR, wherein the allegation has been made that someone has killed the deceased. Subsequently, the name of the applicant surfaced on the basis of second statement of Gulam, who was son of one of the deceased Mohd. Jahangir Alam, wherein he made allegation that because of business rivalry between his father, uncle and history sheeter Sonu, who is in jail, on the instruction of history sheeter Sonu, the present applicant and co-accused killed the deceased person. He further submitted that there is no incriminating material recovered on pointing out of the applicant. There is no witness who has seen the incident. The applicant has been falsely implicated merely on the basis of doubt and apprehension. The applicant

is in jail since 27.09.2025. The applicant has no criminal history. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State as well as learned counsel for the first informant opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is **allowed**.

6. Let the applicant- **Tunne @ Mohd. Kaleem** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in 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 cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the

bond executed by him.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023 reported in (2024) 10 SCC 685.**

(Arun Kumar Singh Deshwal,J.)

March 25, 2026

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