



2026:AHC:60647

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 546 of 2026

Kapil Thakur

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Keshari Nath Tripathi, Kunwar Janmejay Pratap Singh, Ram Shiromani Yadav
Counsel for Opposite Party(s)	:	G.A., Gaurav Tiwari, Ramesh Kumar

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri Ram Shiromani Yadav, learned Counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Sri Gaurav Tiwari, perused the record.

2 . The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 244 of 2025, under Sections 308(5), 111(3) B.N.S., Police Station- Mainather, District- Moradabad during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The applicant has not demanded any money from the informant. At this stage, there is no credible evidence to establish that any amount was paid by the informant to the applicant. The applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. The criminal history of the applicant has been explained in para 20 of the bail application. The applicant is in jail since 2.12.2025. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State and counsel for the informant have opposed the prayer for bail. He submits that the applicant

has criminal antecedents.

5. After hearing the rival contentions, this Court prima facie finds that at this stage, there is no substantive evidence to establish that any amount was paid by the informant to the applicant.

6. In so far as criminal antecedents of the applicant is concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. In the opinion of this Court if the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

7. In **Ash Mohammad Vs. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para 30 has observed:-

"We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked."

8. In the case of **Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648**, the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

9. Further, the applicant has remained confined for more than three months, there is no hope of early conclusion of trial and without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

10. Let the applicant- Kapil Thakur, involved in the aforesaid case be released on bail on his furnishing a personal bond and two **heavy** sureties (in view of criminal history) each in the like

amount to the satisfaction of the court concerned subject to conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses;
- (iv) shall appear on 1st Sunday of every month at the Police Station concerned.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 24, 2026

S.S.

(Vivek Varma,J.)