



2026:AHC:57074

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 5318 of 2026**

Dr Nafees

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : Ajay Kumar Pandey, Mukesh Singh, Sr. Advocate |
| Counsel for Opposite Party(s) | : G.A.                                          |

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**Court No. - 64**

**HON'BLE VIVEK VARMA, J.**

1. Heard Sri Satish Trivedi, learned Senior Advocate, assisted by Sri Ajay Kumar Pandey, learned counsel for the applicant, as well as Sri Nitesh Kumar Srivastava, learned A.G.A. for the State-opposite party, and perused the record.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 1146 of 2025, under Sections 190, 191(2), 191(3), 124(2), 121, 125, 352, 351(3), 109, 299, 223, 61(2) B.N.S. and 7 C.L.A. Act, Police Station Baradari, District Bareilly during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. As per the first information report, 28 named and 200-250 unknown persons are nominated. The name of the applicant was disclosed by the informant in his second statement recorded on 02.10.2025. A vague and general role has been assigned to the applicant. In the alleged incident two persons received injuries, which were found simple in nature. At this stage, there is no corroborative evidence to link the applicant with the offence. It is next contended that co-accused Tauheen has been granted bail by this Court vide order dated 03.12.2025 passed in Criminal Misc. Bail Application No. 42614 of 2025. The criminal history of the applicant has been explained in Paragraph-3 of the supplementary affidavit. The applicant is in jail since 28.10.2025. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail. He submits that the applicant has criminal antecedents.

5. After hearing the rival contentions, this Court is of the *prima facie* opinion that the applicant was not named in the first information report. The name of the applicant was disclosed by the informant in his second statement recorded on 02.10.2025. A vague and general role has been assigned to the applicant. In the alleged incident two persons received injuries, which were found simple in nature. At this stage, there is no corroborative evidence to link the applicant with the offence. Co-accused Tauheen has been granted bail by this Court.

6. Insofar as the criminal antecedents of the applicant are 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, when 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 v. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para- 30 has observed as under:

*"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 v. 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 four months and there is no hope of early conclusion of trial, hence, 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- Dr. Nafees, 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; and,

(iii) shall not pressurize the prosecution witnesses.

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 19, 2026**  
SKT/-

**(Vivek Varma,J.)**