



2026:AHC:54393

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 646 of 2026

Vipin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Vashistha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 414 of 2025, under Section 105 B.N.S., Police Station Sahawar, District Kasganj during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 18.07.2025. The injured was examined by one Dr. Sarvesh on 19.07.2025. The husband of the informant died on 20.07.2025. The inquest and the postmortem were conducted on 21.07.2025. The first information report was lodged on 23.07.2025. The delay in lodging the first information report is fatal to the prosecution case. As per the postmortem report, the deceased sustained injuries on left side forehead, left side face, left shoulder, left elbow joint and both knee joints. In the opinion of the doctor, the cause of death is septicemic shock due to septicemia as a result of ante mortem injury. Apart from other inquest witnesses, the brother of the deceased was also one of the inquest witness. As per the opinion of the inquest witnesses, the cause of death is uncertain. It is next contended

that there is no eye witness to the alleged incident. As per the statement of the informant, on 18.07.2025 the applicant and three unknown persons had assaulted the deceased. As per the statement of the independent witnesses namely Pramod and Raghuraj it is evident that the deceased was under the influence of liquor and was hurling abuses at the applicant. In such circumstances, the alleged assault, if any, was a result of sudden provocation and not with any premeditated intention to commit murder. Further, at this stage there is no corroborative evidence to link the applicant with the offence. Criminal history of the applicant has been explained in Paragraph- 33 of the affidavit filed in support of the bail application and Paragraphs- 2 to 4 of the supplementary affidavit. The applicant is in jail since 10.11.2025 and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. There is no eye witness to the alleged incident. As per the statement of the independent witnesses namely Pramod and Raghuraj it is evident that the deceased was under the influence of liquor and was hurling abuses at the applicant. In such circumstances, the alleged assault, if any, was a result of sudden provocation and not with any premeditated intention to commit murder. Further, at this stage there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has remained confined for more than four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Vipin, involved in the aforesaid case, be

released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the 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.

7. 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 17, 2026
SKT/-

(Vivek Varma,J.)