



2026:AHC:54824

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7127 of 2026

Monu Pathak

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjay Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, learned AGA for the State-respondent and perused the record.
2. This bail application has been moved on behalf of accused-applicant, **Monu Pathak** seeking enlargement on bail in Case Crime No.176 of 2025 under Section 143(4) BNS, P.S.- Kasganj, District- Kasganj, during pendency of trial.
3. Tersely, as per allegation contained in the FIR, unknown person has kidnapped the minor nephew of the informant having age of four years only.
4. Learned counsel for the applicant submits that he has not committed any offence as alleged in the FIR and during the course of investigation, the role of the accused-applicant was surfaced on the basis of the false information given to the IO. He further submits that in the statements of Dharmendra @ Savendra and his wife Ishu Devi, the accused-applicant himself stated to both the witnesses that he has kidnapped the minor child of the witnesses, Dharmendra and Ishu Devi and, thus, the role and involvement of the accused-applicant was surfaced on the basis of the confessional statement given by the accused-applicant before both the witnesses and the child was recovered from the State of Telangana after about five months of the incident from the possession of Mamta, wife of Tiramlesh, to whom the minor child was said to be sold by the accused-applicant and co-accused Neha Pathak, who is the wife of the accused-applicant in lieu of Rs.4 lacs. Furthermore, the accused-applicant has criminal history of one case, which has been explained in para 18 of the

bail application and he is in jail since 06.09.2025. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

5. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

6. Having considered the submissions that the FIR was registered against unknown and during the course of investigation, role of the accused-applicant surfaced on the basis of the confessional statement given by the accused-applicant himself before the witnesses, Dharmendra and Ishu Devi. The minor child was recovered after about five months of the incident. At this stage, no reliable material is available on record to show that the accused-applicant has taken the consideration amount of Rs.4 lacs from Mamta, wife of Tiramlesh in lieu of selling the minor child. As per submission of learned AGA, chargesheet has already been filed in this case on 28.10.2025 and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses, accused-applicant is in jail since 06.09.2025 and keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of *Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677*, dictum of Apex Court in *Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51* and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and **two heavy sureties** each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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 Court.

(iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.

(iv) 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 of accused personally to explain circumstances appearing in the evidence against him.

(v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

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

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

(Santosh Rai,J.)

March 18, 2026

Ankit.