



2026:AHC:8396

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5297 of 2025

Aas Mohammad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: A.C.Srivastava, Ashfaq Ahmed Ansari, Rajesh Kumar Srivastava
Counsel for Opposite Party(s)	: G.A., Sudhir Kumar Agarwal

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri A.C.Srivastava, learned counsel for the applicant and Sri Sudhir Kumar Agarwal, learned counsel for the informant as well as Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 269 of 2024, under Sections 103(1), 3(5), 61(2), 238 of BNS, Police Station - Saroorpur, District - Meerut, during the pendency of trial.
4. As per prosecution story, the applicant along with co-accused persons, namely, Muzammil, Harun @ Mukhiya and Murtaza, is stated to have come to the house of the informant in a car bearing registration no. HR-36-V-3562 and taken away the informant's father, Mursaleen, who had received a sum of Rs. 43 lakhs from them towards a land transaction. It is further alleged that subsequently the applicant and the other co-accused persons committed the murder of Mursaleen by firing upon him.
5. Learned counsel for the applicant has submitted that the information regarding the offence was received by the police on 24.10.2024 at about 02:45 p.m., and the informant was informed at about 05:00 p.m., whereafter he reached the place of occurrence. The inquest proceedings were conducted and completed at about 07:20 p.m. It is contended that the informant and other family members of the deceased were present at the time of the inquest proceedings but they did not whisper a single word against the applicant or any other co-accused persons. Subsequently, on the same day at 09:26 p.m.,

the FIR was lodged against the applicant and other co-accused persons.

6. Learned counsel has further submits that although the said motive pertains to an agreement to sale property and a sum of Rs.43 lakhs having been transferred to the father of the applicant by the deceased, the applicant himself had no motive whatsoever to commit the said offence. The motive if any carried, was attributable only to the father of the applicant.

7. Learned counsel also submits that the statements of two alleged eye-witnesses, namely Naushad and Rifaqat, were recorded, wherein they have nominated Muzammil and other co-accused persons as the perpetrators of the crime, but the applicant has not been named as one of the assailants. It is further stated that CCTV footage collected from various places shows the alleged vehicle, and Muzammil is visible therein along with the deceased seated on the front seat of the car, whereas two other persons are seen seated on the rear seat but remain unidentified. In the said footage, the applicant is nowhere identified, as such, he is entitled for bail.

8. Learned counsel has argued that the statements of certain witnesses, namely Dr. Rizwan, Rashid, Arif and Arshad, subsequently came to be recorded, wherein they have attempted to nominate the applicant as being present at the place of occurrence. The said statements have been recorded belatedly and as an afterthought just to give colour to the prosecution story and falsely implicate the applicant.

9. Learned counsel has lastly stated that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. He is languishing in jail since 24.10.2024, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

10. Per contra, learned counsel for the informant as well as learned AGA have vehemently opposed the bail application on the ground that the site plan categorically indicates the presence of two eye-witnesses, namely, Dr. Rizwan and Arshad, whose statements were subsequently recorded by the Investigating Officer. It is submitted that their shops are situated adjacent to the place where the car was found standing at one point of time, as such, the applicant is not entitled to be released on bail.

11. Considering the facts and circumstances of the case, the submissions

advanced by learned counsel for the parties, and taking into consideration that the role of the applicant stands distinguished as he is neither visible in the CCTV footage nor has he been nominated by the eye-witnesses, namely Naushad and Rifaqat, whose statements were recorded at the earliest point of time, prima facie, I find it to be a fit case for granting bail to the applicant. Accordingly, the bail application is **allowed**.

12. Let the applicant- **Aas Mohammad**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

14. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

January 13, 2026
Siddhant

(Krishan Pahal,J.)