



2026:AHC:8398

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5494 of 2025

Mujammil

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: A.C.Srivastava, Ashfaq Ahmed Ansari
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 Arun Kumar Mishra, 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 other co-accused persons 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 eye-witnesses, namely Naushad and Rifaqat, have been recorded, wherein they have nominated the applicant and other co-accused persons as the perpetrators of the crime. It is further stated that the CCTV footage collected from various places only shows the movement of the alleged vehicle. In the said footage, the applicant is not clearly identifiable, and no overt act has been attributed to him. The deceased is seen seated on the front seat of the car, while two other persons are seen seated on the rear seat, who remain unidentified. It is argued that mere presence in the vehicle, without any clear identification or role attributed to the applicant, does not establish his involvement in the crime and, as such, he is entitled to be released on bail.

8. Learned counsel has argued that the statements of certain witnesses, namely Dr. Rizwan, Rashid, Arif and Arshad, 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 applicant is clearly visible in the CCTV footage and has been specifically nominated by two eye-witnesses, namely, Naushad and Rifaqat, as such, he 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 the fact that the applicant is clearly visible in the CCTV footage and has been specifically nominated by two eye-witnesses, namely, Naushad and Rifaqat, I do not find it a fit case to release the applicant on bail.

12. The bail application is, accordingly, **rejected**.

13. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

14. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

January 13, 2026
Siddhant

(Krishan Pahal,J.)