



2026:AHC:56433

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8754 of 2026

Shahid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Naushad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. The instant matter was heard on 16.03.2026. On that date, this Court observed that the Advocate had given notice of the bail application to the Government Advocate through e-mail on 25.02.2026, but the Office of the Government Advocate, after taking a printout, handed over the bail application to the concerned pairokar on 26.02.2026, and instructions had not been supplied to the learned Additional Government Advocate till 16.03.2026. Therefore, this Court directed the Joint Director (Prosecution), High Court, Allahabad, to appear personally and the Director (Prosecution), U.P., to appear through video conferencing to assist the Court to assist whether the notice of bail could be sent to the concerned police station through e-mail to obtain instructions.

2. Today, Director (Prosecution), U.P., appeared through video conferencing, and the Joint Director (Prosecution), High Court, Allahabad, appeared in person, and they admitted that the notice received through e-mail can be sent to the police station through e-mail to obtain instructions, instead of handing over a hard copy, and instructions may also be obtained through e-mail.

3. Joint Director (Prosecution), High Court, Allahabad, submitted that there is a scarcity of staff in his office, and if additional staff were provided, it would be easier to send notices of bail applications and receive instructions through e-mail.

4. Director (Prosecution), U.P., assured the Court that extra staff will be

provided to the Office of the Joint Director (Prosecution), High Court, Allahabad, within fifteen days to expedite the process of obtaining instructions from the police in bail matters. He also agreed that, if four to five iPads are provided to the Additional Government Advocates engaged in bail matters, then instructions and case diaries received through e-mail can be directly sent to Additional Government Advocates and referred to in Court from soft copies available on their iPads. He further assured that he will try to apprise the State Government to provide more iPads to the Additional Government Advocates and also informed the Court that the process of providing case diaries through e-mail by the police after downloading from CCTNS is being carried out smoothly at the Lucknow Bench of this Court and can be implemented at the Allahabad High Court, also.

5. Therefore, the Joint Director (Prosecution), High Court, Allahabad, is directed to obtain the case diary as well as instructions from the concerned police station through e-mail, unless the case diary is too bulky to send by e-mail, and after receiving the case diary, it may be forwarded to the concerned Additional Government Advocate through e-mode so that the learned Additional Government Advocate can refer to it in Court during the hearing of the bail application.

6. Coming to the merits of the case, heard Sri Noor Ahmad, Advocate holding brief of Sri Mohd. Naushad, learned counsel for the applicant, Sri Pankan Saxena, learned Additional Government Advocate-I for the State and perused the record.

7. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 240 of 2024, under Sections- 305, 331(4), 317(2) of B.N.S., Police Station- Khekada, District- Baghpat, during the pendency of the trial.

8. Contention of the learned counsel for the applicant is that the applicant was not named in the F.I.R. Subsequently, on the basis of the recovery of certain spare parts of the vehicle, the applicant along with the co-accused was arrested, though there is a reference of CCTV footage in the F.I.R., the applicant has not been identified as the person shown in the CCTV footage at the time of committing the theft. It is further submitted that the

applicant has explained the criminal history of four cases. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 12.08.2024. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

9. Per contra, learned Additional Government Advocate has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

10. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation reported in 2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

11. Let the applicant- **Shahid**, involved in the aforementioned 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, with the following conditions:-

- i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

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

14. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

15. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

16. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023 reported in (2024) 10 SCC 685.**

(Arun Kumar Singh Deshwal,J.)

March 19, 2026
SA