



2026:AHC:56249

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8763 of 2026

Ganesh Shankar Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Chauhan, Shyama Charan
Tripathi, Sumant Kumar Tiwari

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. In compliance of the order of this Court dated 16.03.2026, Shri Ashish Tiwari, D.I.G. (Technical), U.P. Police, has appeared before this Court through video conferencing, as the A.D.J. (Technical), U.P. Police, is not available as he has gone outside for some official work. He submitted that, due to some confusion, the A.D.J. (Technical), U.P. Police, made a statement on 16.03.2026 that access to obtain the case diary has been given to the Joint Director (Prosecution), High Court, Allahabad through CCTNS; however, in fact, access has been provided only to the criminal history of an accused through CCTNS.

2. Joint Director (Prosecution), High Court, Allahabad has also appeared before this Court in person and he assured that the access is available and the criminal history will be provided in appropriate cases to the learned A.G.A., if at least three to four staff are provided. Shri Lalit Mangar, Director (Prosecution), U.P., ensured the Court that he will provide three to four additional staff to the Joint Director (Prosecution), High Court, Allahabad, by transferring the same from the Office of the Commissioner of Police, Prayagraj or from some other office.

3. Coming to the merits of the case, heard Shri Abhishek Chauhan, learned counsel for the applicant, and Shri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.

4. The instant bail application has been filed with a prayer to release the

applicant on bail in Case Crime No. 495 of 2024, under Sections- 109, 115(2) and 333 of B.N.S., Police Station- Khajani, District- Gorakhpur, during the pendency of the trial.

5. Contention of the learned counsel for the applicant is that, in the F.I.R., allegations have been made against three named persons and seven to eight unknown persons. The allegations made in the F.I.R., as well as in the statement of the injured, are general in nature, and no specific role has been assigned to any of the accused persons, including the present applicant. It is further submitted that the injury reports of two of the victims have been examined and all the injuries are simple in nature. It is further submitted that the applicant has no criminal history. 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 27.01.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

7. 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.

8. Let the applicant-**Ganesh Shankar Tiwari**, 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.

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

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

11. 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.

12. 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.

13. 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