



2026:AHC:8800

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16518 of 2025

Vivek Kumar Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rishabh Agarwal, Vinod Kumar Yadav
Counsel for Opposite Party(s) : Bhawesh Pratap Singh, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned counsel for the informant is not present.
2. Heard Sri Rishabh Agarwal, learned counsel for the applicant, Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.838 of 2024, under Section 103(1) B.N.S., 2023, Police Station Kotwali, District Mainpuri, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is not named in the FIR. He has simply been made an accused on the basis of his having left with the deceased person from his house. The only evidence against the applicant is that he was seen at the liquor shop on 26.12.2024 at about 7:00 p.m., but the deceased returned to the liquor shop at 8:00 p.m. again and the applicant did not accompany him at that time, which implies that the deceased died after that, as such, it is a clear-cut case of false implication.
5. Learned counsel for the applicant has further stated that even the CCTV footage does not indicate as to who identified the applicant. The UPI transactions also seem to be false as Rs.73,000/- is stated to have been transferred through UPI from the mobile of the deceased to that of Raj Saxena, and he is stated to have given the money in cash in return, which is not possible for an employee to carry so much cash in his pocket. There is no

criminal history of the applicant. The applicant is languishing in jail since 05.01.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application on the ground that the applicant has been identified in the CCTV footage and there is recovery of the Aadhaar Card and photo of the deceased person from an abandoned well near the place of recovery of the dead body at the pointing out of the applicant, as such, he is not entitled to bail.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that the applicant is not named in the FIR and there is no direct evidence against him coupled with the fact that the applicant has no criminal history, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Vivek Kumar Gupta**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

10. 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.

(Krishan Pahal,J.)

January 13, 2026
(Ravi Kant)