



2026:AHC:6965

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 509 of 2026

Tushar Rathore

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Satyam Narayan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Satyam Narayan, learned counsel for the applicant, Sri Piyush Pandey, learned counsel for the informant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.239 of 2025, under Sections 103(1), 3(5) B.N.S. and Section 9(1)Ka(i), 25(2), 27(1) Arms Act, Police Station Sadar Bazar, District Meerut, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have taken away the deceased from his house on his Active on 11.09.2025 at about 4:00 p.m. and had called at about 6:45 p.m. to the wife of informant from the mobile of deceased person number 8958380160 stating that her son had sustained gunshot injury caused by Vipul Valmiki.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. He as a bona fide act had informed the mother of deceased person about the incident. Had he been involved in the offence, he would not have cared to inform about the incident to the mother of deceased person, as such, he is entitled for bail.
6. Learned counsel for the applicant has further argued that there is no criminal history of the applicant. The applicant is languishing in jail since

12.09.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the place of occurrence is the house of applicant only and he ran away from the place of occurrence, as such, his conduct speaks volume of his complicity in the offence, as such, he is not entitled for bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that no set reaction can be assigned to any person about the incident and the applicant had informed the mother of the deceased person about the incident, 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**.

9. Let the applicant- **Tushar Rathore**, 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.

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

11. 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 12, 2026

(Ravi Kant)