



2026:AHC:9880

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29292 of 2025

Rahul

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Mullick
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Kapil Kumar, learned Advocate holding brief for Sri Anil Mullick, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 191 of 2025, under Sections 103(1) BNS and 3/5, 25/27 Arms Act, Police Station Jani, District Meerut, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have committed the murder of the deceased as was suspected by chowkidar of the village on 24.4.2025 at about 7.15 pm.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by more than three hours and there is no explanation of the said delay caused. The FIR was instituted by chowkidar on the basis of suspicion only, as the dead body and the burnt motorcycle of the deceased were found near the house of the applicant.
6. Learned counsel for the applicant has further argued that two witnesses were roped in by the prosecution subsequently, and they have also resiled from their earlier statement. The CCTV footage was fetched by the

investigating officer in which he has seen a person firing from the roof of the house of the applicant but the person has not been identified by anyone whatsoever, as such, it is a blind murder.

7. The criminal history of three cases assigned to the applicant stands explained. The applicant is languishing in jail since 25.4.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

9. In the case of ***Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648***, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

10. 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 it is a blind murder, as the identity of the person seen in the CCTV footage to be firing could not be made, the two witnesses roped in by the prosecution having turned hostile and criminal history of the applicant being explained 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**.

11. Let the applicant- **Rahul**, 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.

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

cancellation of bail.

13. 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 14, 2026

Shalini