



2026:AHC:12731

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 37304 of 2025

Vijay

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mayank Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Mayank Yadav, learned counsel for the applicant, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.212 of 2025, under Sections 115(2), 103(1), 3(5) B.N.S., Police Station- Khekra, District- Baghpat, during the pendency of trial.
4. As per prosecution story, the applicant, who happens to be the neighbour of Akash, Nidhi and Ankita, is stated to have assaulted and caused injuries to the parents of the informant in collusion with other co-accused persons. When the informant and her husband rushed to save them, the applicant and other co-accused persons are stated to have taken the husband of the informant outside of their house and had assaulted him with brick, which hit on his neck injuring him seriously on 7.7.2025 at about 09:15 p.m. The husband of the informant died subsequently.
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. The FIR is delayed by about three hours and there is no explanation of the said delay caused. There are general and omnibus allegations against all the accused persons.

6. Learned counsel for the applicant has further stated that the case of applicant is at different footing as he is the neighbour of other accused person and has simply been made an accused on account of his friendship with the co-accused persons. No overt act has been assigned to the applicant rather it has not been assigned to any of the accused persons, as such, the applicant is entitled for bail.

7. It is further argued by learned counsel for the applicant that there is no criminal antecedent of the applicant. The applicant is languishing in jail since 9.7.2025 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 State Law Officer has vehemently opposed the bail application.

9. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

10. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51***.

11. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

12. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

13. 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 there are general and omnibus allegations against all the accused persons and the applicant being the neighbour of co-accused person Akash, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

14. Let the applicant- **Vijay**, 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

16. 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 19, 2026
Vikas Verma