



2026:AHC:4212

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44749 of 2025

Mohd. Ibadat Urf Ibbe

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kumar Dhananjay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Kumar Dhananjay, learned counsel for the applicant, 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/F.I.R. No.288 of 2025, under Sections 103(1), 238 B.N.S., Police Station Indrapuram, District Ghaziabad, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is not named in the FIR and has been falsely implicated in the present case. His name has come up on the basis of CCTV footage, in which he is seen from Khoda Commissionerate Ghaziabad Parking Camera going towards the place of occurrence at 7:23 a.m. and he is stated to have returned alone about 15 minutes after it.
5. Learned counsel for the applicant has further argued that the post-mortem of the deceased was conducted the next day on 06.03.2025 at 1:40 p.m. and the time of duration of death is 2/3 of a day, which means that the occurrence is about midnight and the difference between the last seen of the applicant and the occurrence is more than 12 hours, which does not match with the CCTV footage, as such, the applicant is entitled to bail. There is no criminal history of the applicant. The applicant is languishing in jail since 07.03.2025 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 but the submissions raised by the learned counsel for the applicant could not be disputed.

7. 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 the time of difference between the last seen and the time of death seems to be more than 12 hours, 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- **Mohd. Ibadat Urf Ibbe**, 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 8, 2026

(Ravi Kant)