



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10385 of 2026

Akash Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Raj Kumar Prajapati, learned counsel for the applicant and Mr. Satendra Tiwari, learned A.G.A. for the State.
2. Earlier, the bail application of the applicant being Criminal Misc. Bail Application No.485 of 2024 (Akash Pandey vs. State of U.P.), was decided by this Court vide the order dated 19.02.2024, releasing the applicant on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court with the following conditions:-

“(i). The applicant will not tamper with the evidence during the trial.

(ii). The applicant will not pressurize/intimidate the prosecution witness.

(iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted and/or the applicant shall make himself available for interrogation by a police officer as and when required.

(iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(vi). The applicant shall not leave India without the previous permission of the Court.

(vii). In the event, the applicant changes his residential address, the applicant shall inform the court concerned about new residential address in writing.

(viii). In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

(ix). In the event, the applicant shall deposit the amount of Rs.3,56,660/- before the court concerned in installments after being released, i.e. out of aforesaid amount, Rs.56,660/- shall be paid within one month of being released and the rest shall be deposited in three equal easy installments within six months thereafter, the applicant would not be required to surrender before the court concerned. However, in case of default in deposit of the any amount or installment before the court concerned as directed above, this order shall stand automatically recalled/vacated and the applicant shall be taken into custody, forthwith.”

3. In view of the aforesaid conditions, after the aforesaid bail order, the applicant was released from jail on 08.05.2024. Thereafter, he deposited Rs. 56,660/- on 15.06.2024, Rs. 90,000/- on 07.09.2024, and Rs. 10,000/- on 08.09.2024, totaling Rs. 1,56,660/-. However, he could not arrange the remaining amount and, due to certain reasons, failed to appear before the Court. He

subsequently moved an application explaining his absence, but a Non-Bailable Warrant has been issued against him.

4. Learned counsel for the applicant submits that the applicant has shown his bona fide by depositing a sum of Rs.1,56,660/- and has also explained, in the affidavit, the reasons for his non-appearance before the Court during the course of trial. He further submits that the applicant had no knowledge of the NBW, and that upon returning home to meet his family members, he was immediately arrested by the police and sent to jail. It is further submitted that, in order to enable him to arrange the remaining amount, he may be released on bail.

5. Learned A.G.A., on the other hand, submits that as per the conditions mentioned in the order dated 19.02.2024, the applicant upon release from jail, had to deposit Rs.3,56,660/-, out of which Rs.56,660/- was to be paid within one month, and the remaining amount was to be deposited in three equal and easy installments within the three months thereafter.

6. Placing the order sheet, learned A.G.A. further submits that petitioner has not appeared before the Court on several occasions and has moved an application for excusing his appearance. On 21.12.2024, a detailed order has been passed mentioning that the petitioner had not deposited Rs.3,56,660/- in compliance with the conditions mentioned in the bail order dated 19.02.2024, and that, till date, he has deposited only Rs.1,56,660/-. It is further submitted that, in view of the violation of the conditions contained in the order dated 19.02.2024, which provided that in case of default of any amount the bail order shall be recalled/vacated and the applicant shall be taken into custody, the court below passed the order dated 21.12.2024. By the said order, the Additional Civil Judge (S.D.) 1st/ A.C.J.M., Gorakhpur directed the applicant to appear on 18.01.2025 and issued warrants accordingly. Despite the aforesaid, the

applicant did not appear before the Court on several occasions and, consequently, on 07.11.2025, the application moved against the issuance of non-bailable warrant has also been rejected.

7. In view of the terms and conditions mentioned in the first bail order dated 19.02.2024 having been violated, the applicant is not entitled to be released on bail.

8. Accordingly, the bail application of the applicant is **rejected**.

(Mrs. Manju Rani Chauhan,J.)

March 26, 2026

Rahul.