



2026:AHC:58660

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1445 of 2026

Mukesh Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rayoof Ali		
Counsel for Opposite Party(s)	:	G.A.,	Rajeev	Kumar
		Upadhyay		

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Sri Rayoof Ali, Learned counsel for the applicant, Sri Rajiv Kumar Upadhyay, Learned Advocate, appearing for the informant in the base case mentioned in the gang chart, the Learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed by the applicant with a prayer to release him on bail in Case Crime No.890 of 2025, under Sections 2(b)(i), 2(b)(xi), 3(1) of U.P. Gangster and Anti-social Activities (Prevention) Act, 1986, Police Station- Khalilabad, District- Sant Kabir Nagar, during the pendency of the trial

3. The Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. On the basis of single base case mentioned in the gang chart, the applicant has been implicated under the Gangsters Act. The Learned counsel for the applicant further submits that apart from base case mentioned against the applicant in the gang chart, the applicant has a criminal history of one case being Case Crime No.945 of 2023, under Section 323 & 506 I.P.C. and the applicant has been granted bail in the said case by the Learned Chief Judicial Magistrate, Sant Kabir Nagar, vide its order dated 18.3.2026. The applicant is in jail since 20.12.2025

and undertakes not to abscond or tamper with the evidence and will not intimidate witnesses.

4. Sri Rajiv Kumar Upadhyay, Learned Advocate, has opposed the prayer for grant of bail and has contended that the applicant is involved in another case being Case Crime No.940 of 2023, under Sections 323, 504, 452 I.P.C. No explanation regarding the said case is given. Sri Rajiv Kumar Upadhyay, Learned Advocate, has also passed on two photographs supposedly indicating that the applicant and the co-accused have been seen armed with firearms. He contends that the applicant and the co-accused armed with the firearms are continuously threatening the informant of the base case and his family. He has further relied upon certain applications moved to the Commissioner, Basti Mandal, Basti, Superintendent of Police, District- Sant Kabir Nagar, District Magistrate, Sant Kabir Nagar and also on the IGRS portal. He has further submitted that despite direction of the superior officers, no action has been taken against the applicant and other accused.

5. The Learned A.G.A. has also opposed the prayer for grant of bail and has contended that the applicant is a gang member of the gang headed by one Sunil Vishwakarma. The applicant although has no reported criminal antecedents, however, it is an admitted case of the applicant that apart from the base case, other criminal case has also been registered against the applicant. The Learned A.G.A. contends that the applicant has a propensity to repeat the offence and he may not be granted bail.

6. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

7. The applicant is shown as a gang member in the gang chart on the strength of a single base case. The applicant is stated to be bail in the said case. The applicant is bailed out in the other

criminal case being Case Crime No.945 of 2023 and so far as the Case Crime No.940 of 2023 is concerned, the documents passed by the Learned counsel for the informant indicates that the notice under Section 41-A Cr.P.C. had been given to the applicant and the other co-accused. The explanation of the criminal history of the applicant, in the opinion of this Court, is satisfactory and once the applicant has been given notice under Section 41- A Cr.P.C., in Case Crime No. 940 of 2023 and the result of the same has not been pointed out, in the opinion of the Court, the same may not form the basis for refusing the bail of the applicant.

8. The complaints made by the informant of the base case, which are being relied upon are of February 2025, March 2024, January 2025 and April 2025. However, nothing has been brought on record regarding the follow-up action. The informant has also not sought the intervention of the Court regarding the non-action of the authorities on the complaints made by the informant. A writ petition is stated to be pending regarding the said non-action by the appropriate authorities being **Criminal Misc. Writ Petition No.20739 of 2024**.

9. This Court while considering the bail application of the applicant being **Criminal Misc. Bail Application No.12304 of 2025 (Mukesh Vs. State of U.P.)** had taken note of the pendency of the said writ petition and the orders passed therein, and thereafter granted bail to the applicant. The relevant part of the bail order dated 24.04.2025 is extracted here and below:-

"8. Learned counsel for the informant has further stated that the informant has approached several authorities for taking action against the accused persons but no action had been taken against them. She had filed a Writ Petition No. 20739 of 2024 before this Court wherein the following order was passed on 10.12.2024:-

*"1. Heard learned counsel for the petitioner and learned
A.G.A. for the State.*

2. This writ petition has been filed with the following prayer:

"(A) Issue a writ, order or direction in the nature of certiorari quashing the impugned notice dated 22.07.2024 prepared by the respondent no. 3.

(B) Issue a writ, order or direction in the nature of mandamus directing the respondent no. register first information report on application supported on affidavit dated 12.07.2024."

3. Learned counsel for the petitioner vehemently contended that the impugned notice dated 22.07.2024 which has been prepared by the respondent No.3, is unsustainable in view of the law laid down by the Apex Court in Lalita Kumari vs. State of U.P. and others, (2014) 2 SCC 1 (Para-110).

4. Before proceeding further on merit, let respondent Nos.2, 3 and 4 may file affidavit in the matter on or before the date fixed.

5. List this matter again in top ten cases on 19.12.2024."

9. Subsequently, on 07.01.2025, the following order has been passed in the said writ petition:-

"1. On the request of the learned A.G.A., the matter is adjourned. Suffice it to indicate on or before the next date fixed, the order dated 10-12-2024 is to be complied with.

2. List this matter again on 27-01-2025 in top ten of the cases. "

10. Considering the entire facts and circumstances of the case, the period of detention of the applicant and the fact that the applicant is on bail in base case mentioned in the gang chart, I deem it fit to enlarge the applicant on bail.

11. The bail application is ***allowed***.

12. Let the accused-applicant- **Mukesh Gupta**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence.
- ii. The applicant will not indulge in any criminal activity.
- iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

13. In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

14. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

15. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

March 20, 2026

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(Rajiv Lochan Shukla,J.)