



2026:AHC:53982

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1577 of 2026

Kamlesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite

Party(s)

Counsel for Applicant(s) : Satya Prakash Singh, Seema Singh
Counsel for Opposite Party(s) : Jitendra Kumar, Sanjeev Kumar Yadav,
G.A., Vimalendra Kumar Upadhyay

Along with :

1. Criminal Misc. Bail Application No. 532 of 2026:

Kodai

Versus

State of U.P.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavits filed in both the cases today in court by learned counsel for the applicant are taken on record.
2. Heard Shri Satya Prakash Singh, learned counsel for the applicants, Shri Sanjeev Kumar Yadav, learned counsel for the informant, learned AGA for the State-respondent and perused the record.
3. This bail application has been moved on behalf of accused-applicants, **Kamlesh and Kodai** seeking enlargement on bail in Case Crime No.446 of 2025 under Sections 109, 115(2), 352 and 351(3) BNS, P.S.- Raunapar, District- Azamgarh, during pendency of trial.
4. Tersely, as per allegation contained in the FIR, the accused-applicants and two other co-accused persons have caused injury with hard and blunt object and sharp weapon Spade (Fawda) to the injured Mohd. Ali.
5. Learned counsel for the applicants submits that they have not committed any offence as alleged in the FIR and no specific and distinct role has been clearly assigned to the accused-applicants regarding causing

injury with sharp weapon Spade (Fawda) to the injured. Admittedly, though, lacerated wounds and contusions were found on the body of the injured but in the statement of the injured Mohd. Ali, only general allegation was made. Furthermore, in the X-ray report of injured Mohd. Ali, only one grievous injury i.e. Injury no.3 was noted as crack fracture in the left shoulder joint and all other injuries were noted as NAD. He further submits that cross case has been registered in this case by way of Application under Section 173(4) of BNSS. Admittedly, both the parties sustained injury in this incident. Furthermore, the accused-applicants have no criminal history and are in jail since 15.12.2025. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. and learned counsel for the informant have opposed the prayer for bail of the applicants by contending that the innocence of the applicants cannot be adjudged at pre-trial stage, therefore, they do not deserve any indulgence. In case the applicants are released on bail, they will again indulge in similar activities and will misuse the liberty of bail.

7. Having considered the submissions that though the accused-applicants are named in the FIR alongwith other two other co-accused persons but no specific and distinct role has been clearly assigned to the accused-applicants either in the FIR or in the statement of the injured Mohd. Ali regarding causing grievous injury or any other injury and general allegation has been made against all the accused persons. Cross case being Case Crime No.32 of 2026 is an admitted fact between both the parties. Admittedly, both the parties sustained injury in the incident. As per submission of learned AGA, chargesheet has already been filed in this case and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses. Accused-applicants are in jail since 15.12.2025 and keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of ***Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677***, dictum

of Apex Court in *Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51* and without expressing any opinion on the merits of the case, let the applicants involved in the aforesaid crime be released on bail on their furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicants shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.
- (iii) The applicants shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicants shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against them.
- (v) In case the applicants misuse the liberty of bail during trial and in order to secure their presence, the trial court shall initiate proceedings against them strictly in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicants and sureties be verified by the court concerned before the bonds are accepted.

(Santosh Rai,J.)

March 17, 2026

Ankit.