



2026:AHC:53752

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9105 of 2026

Sahil And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Swati Agrawal Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard Ms. Swati Agrawal Srivastava, learned counsel for the applicant, Sri Purushottam Maurya, learned AGA for the State-respondents and perused the record.

2. This bail application has been moved on behalf of accused-applicants Sahil and Bhola @ Lavkush seeking enlargement on bail in Case Crime No.731 of 2025, under Sections 191(2), 115(2), 125, 352, 109(1), 351(3) B.N.S., P.S. Iglas, District Aligarh.

3. Tersely, as per the allegation contained in the FIR, eight accused persons alongwith one unknown including the applicants have caused injury to the injured persons and looted Rs.85,000/- from the informant.

4. Learned counsel for the applicants submits that the accused-applicants have not committed any offence as alleged in the FIR and have been falsely implicated in this case. Applicant no.1 and 2 are languishing in jail since 30.01.2026 and 05.02.2026 respectively. It is submitted that though applicants are named alongwith eight accused persons in the FIR but no separate and distinct role of applicants regarding causing injuries to the injured persons has been assigned either in the FIR or in the statement of injured persons. It is further submitted that the injured persons namely, Sonwati, Rajkumar and Charan in their statements recorded under Section 180 B.N.S.S. have not specifically assigned the distinct role of the applicants regarding causing grievous injuries to them. It is argued that as per the medical reports available on record, all the injuries sustained by the injured persons are simple in nature except the injury sustained by injured Rajkumar

and in the NCCT brain of injured Rajkumar there is comminuted displaced fracture of both frontal sinuses involving both anterior and posterior walls with minimal extension into frontal bone superiorly in the midline but who among the accused persons has caused aforesaid injury is not clear. It is further argued that co-accused persons Rajendra Kumar and Satish Kumar having similar role have already been enlarged on bail by this Court vide order dated 2.2.2026 and 09.02.2026 passed in Criminal Misc. Bail Application Nos.2312 of 2026 and 4470 of 2026 respectively and parity is sought in the matter. It is next argued that applicants have no criminal antecedents to their credit. 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.

5. Per contra, learned A.G.A. has 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.

6. Having considered the submissions of the parties noted above as also the fact that though applicants are named alongwith eight accused persons in the FIR but no separate and distinct role of applicants regarding causing injuries to the injured persons has been assigned either in the FIR or in the statement of injured persons, general allegations regarding causing injuries to the injured persons have been leveled against the applicants and other accused persons, who are named in the FIR, except injury nos.1 to 4, which have been caused to the injured Rajkumar, most of injuries are simple in nature, co-accused Rajendra Kumar and Satish Kumar having similar role have already been enlarged on bail, applicants have no criminal history, as per information of learned A.G.A., charge-sheet has been submitted in this case on 15.02.2026, therefore, there is no reasonable possibility of intimidating/pressurizing the prosecution witnesses 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 his presence, the trial court shall initiate proceedings against them strictly in accordance with law.

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

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

March 17, 2026

Asha

(Santosh Rai,J.)