



2026:AHC:63131

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10412 of 2026

Pankaj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhinav Kesarwani, Dharmendra
Pratap Singh, Sarvashva Thakur
Counsel for Opposite Party(s): G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Dharmendra Pratap Singh, learned counsel for the applicant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 172 of 2025, under Sections 103(1), 238 BNS, Police Station- Mansoorpur, District Muzaffarnagar.
3. Contention of learned counsel for the applicant is that as per prosecution story, the deceased was missing since 01.06.2025. The dead body of the deceased was recovered on 04.06.2025, thereafter FIR was lodged on 05.06.2025 and the applicant has been falsely implicated only on the ground that the deceased was found sitting with the applicant and other co-accused at a wine shop. He further submitted that it is clear from CCTV footage though deceased met with the accused persons and subsequently the applicant and co-accused went behind the wine shop, while the deceased remained sitting in front of wine shop. There was no evidence that the deceased and accused persons went together after leaving the wine shop. It is further submitted that post mortem report of the deceased shows that there is no anti mortem injury on the body of the deceased and the applicant has been falsely implicated. He further contended that identical situated co-accused Abhishek has already been granted bail by a co-ordinate Bench of this Court in Criminal Misc. Bail

Application No.41448 of 2025 vide order dated 25.11.2025. Therefore, the applicant is entitled to be released on bail on the ground of parity. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 06.06.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Pankaj** involved in the aforementioned 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, with the following conditions:-

- i. 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.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

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

9. It is made clear that the applicant shall be released on the basis of downloaded copy of this order 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.

10. It is 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.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

March 26, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)