



2026:AHC:58613

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9127 of 2026

Vipin Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kuldeep Singh Tomar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 46

HON'BLE SIDDHARTH, J.

Heard learned counsel for the applicant; learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Vipin Kumar, with a prayer to release him on bail in Case Crime No. 241 of 2025, under Sections- 308(5) of B.N.S and Section 67-A I.T. Act, Police Station- Kotwali Dehat, District- Bulandshahar, during pendency of trial.

This is second bail application of the applicant. The first bail application of the applicant was rejected by this Court on 01.9.2025, directing the trial court to conclude the trial against the applicant as expeditiously as possible, as as per Section 309 Cr.P.C/ 346 B.N.S.S.

Learned counsel for the applicant has submitted that before the trial court PW-1, PW-2 and PW-3 have been examined. They have not supported the prosecution case and have been declared hostile. It is a case of false implication of the applicant. He is in jail since 15.4.2025. He has criminal history of two cases of minor nature, which have been duly explained in paragraph no. 14 of the affidavit filed in support of the bail application.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserves any indulgence. In case the applicant is released on bail he will again indulge in similar activities and

will misuse the liberty of bail.

Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant; keeping in view uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under-trial having fundamental right to speedy; larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 LawSuit (SC) 677***, considering 5-6 times overcrowding in jails over and above their capacity by under trials and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid 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 that :-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.
- (iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.
- (iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A of the Indian Penal Code.
- (v) The applicant 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 under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

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

(Siddharth,J.)

March 20, 2026

Ruchi Agrahari