



2026:AHC:65570

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5433 of 2026

Mohammad Saddam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammad Zafar Yab Khan, Shahroze Khan

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Mohammad Zafar Yab Khan along with Shri Shahroze Khan, learned counsel for the applicant, and Shri B.P. Maurya, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No.06 of 2025, under Sections 137(2), 143(5) of B.N.S. and Section 14(1) of Child Labour Act, registered at Police Station Jodiya Udaipur, District siddharth Nagar, during pendency of the trial.

3. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that no offence under Section 137(2) of B.N.S. is made out against the applicant as the victims have stated in their statement recorded under Sections 183 BNSS that they have left their homes on their own free will. It is further submitted that the applicant was arrested and was granted bail under Section 143(5) of B.N.S. and Section 14(1) of Child Labour Act by the Court of Sessions Judge, Malda. It is further submitted that Section 137(2) of B.N.S. has been added in the present case. It is further submitted that the applicant is languishing in jail since 18.09.2025, undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early

conclusion of trial.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

5. The victims have stated in their statement recorded under Sections 183 BNSS that they left their homes on their own free will. The applicant was arrested and was granted bail under Section 143(5) of B.N.S. and Section 14(1) of Child Labour Act by the Court of Sessions Judge, Malda. It is further submitted that Section 137(2) of B.N.S. has been added in the present case. It is further submitted that the applicant is languishing in jail since 18.09.2025.

6. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

7. Let the applicant- **Mohammad Saddam** involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(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 not pressurize/intimidate the prosecution witnesses.

(iii) 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 351 of B.N.S.S.

(iv) 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 the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 30, 2026
RKM