



2026:AHC:66934

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9915 of 2026

Rakesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jeet Bahadur Singh
Counsel for Opposite Party(s)	:	G.A., Shikhar Awasthi

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Jeet Bahadur Singh, learned counsel for the applicant, Sri Shikhar Awasthi, learned counsel for the first informant and Sri Anand Pratap Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 208 of 2015, under Sections- 302/34, 307, 147, 148, 149 and 504 IPC, Police Station- Nauhjheel, District- Mathura, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that initially an FIR was lodged on 17.06.2015 against seven persons, including the present applicant. After investigation, the police submitted the charge-sheet on 11.12.2015 against five persons, and the applicant was not mentioned as an accused in the charge-sheet. Thereafter, an application under Section 319 Cr.P.C. was filed by the first informant on 10.08.2017, which was rejected by the court below on 01.03.2025. Subsequently, a Criminal Revision was filed against that order before this Court, which was allowed by order dated 28.11.2025, and in pursuance of that order, the court below summoned the applicant by order dated 12.12.2025. It is further submitted that during the course of investigation, one country-made pistol of 12 bore was shown to have been recovered on the pointing out of the applicant. It is also submitted that in the FIR, as well as in the statement of the injured, three persons, including the applicant, were shown to be in possession of a country-made pistol of 12 bore, whereas the postmortem report of the deceased shows that he received a gunshot injury from a pistol of 315 bore, which was not shown to have been recovered from the applicant. It is further submitted that the applicant has explained the criminal history of two cases.

4. It is further submitted that co-accused Rautas, Shyoraj, Rishi Pal, Latoor

and Raju, have already been released on bail by coordinate Benches of this Court in Criminal Misc. Bail Application Nos. 31866 of 2015, 16588 of 2017, 37257 of 2016, 42234 of 2016 and 16590 of 2017 vide orders dated 11.09.2017, 19.09.2017, 19.09.2017, 01.12.2017 and 13.12.2017. Therefore, the applicant having an identical role, is also entitled to be released on bail on the ground of parity. It is further submitted that charge sheet has been filed in the present case and the trial is going on, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 18.02.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant as well as learned A.G.A. for the State have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail and keeping in view the nature of offence, evidence, complicity of the 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. Accordingly, the present application is **allowed**.

7. Let the applicant- **Rakesh**, 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.

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

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

10. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded 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.

11. It is further 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.

12. 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**.

(Arun Kumar Singh Deshwal,J.)

March 31, 2026

SA