



2026:AHC:5565

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44974 of 2025

Gajendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Nath Bhatt
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Upendra Kumar Singh, Advocate holding brief of Sri Chandra Nath Bhatt, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.392 of 2025, under Sections 103(1), 238(a) B.N.S., Police Station Gajraula, District Amroha, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about two days and there is no explanation of the said delay caused. The applicant and other co-accused persons have been nominated on the basis of suspicion only. The motive, if any, was carried by Vikram only who wanted to marry the deceased person. The informant is panch witness no.2 in the inquest proceedings and he did not whisper a single word about the incident and he subsequently instituted the FIR the next day.
5. Learned counsel for the applicant has further argued that subsequently after a delay of about 20 days, two new witnesses have been introduced, namely, Sachin and Lokendra, who are stated to have been told by the deceased person that she was being assaulted by the applicant and other named accused persons, but the said witnesses after reaching the place of

occurrence did not find the deceased there, as such, the applicant is entitled for bail. There is no criminal history of the applicant. The applicant is languishing in jail since 13.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and also the delay in recording the statements of the two new witnesses, namely, Sachin and Lokendra, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Gajendra**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 9, 2026

(Ravi Kant)