



2026:AHC:5903

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45066 of 2025

Uday Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dheeraj Kumar Singh

Counsel for Opposite Party(s) : Abhishek Sharma, G.A., Santosh
Kumar Yadav

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Dheeraj Kumar Singh, learned counsel for the applicant, Sri Santosh Kumar Yadav, learned counsel for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.404 of 2025, under Sections 140(1), 61(2), 103(1), 238(a) B.N.S., Police Station- Nawabganj Commissionerate Prayagraj, District- Prayagraj, 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 applicant has nothing to do with the said offence and he has been nominated in the FIR on the basis of suspicion only. A false motive has been assigned to the applicant regarding illicit relationship of the deceased person with his wife.
5. Learned counsel for the applicant has further stated that a false recovery of purse alongwith aadhar card, voter card and letterhead in the name of deceased person, who was office bearer of BJP at Prayagraj has been foisted on the applicant, which are stated to have been recovered near the place of recovery of dead body.
6. It is further argued by learned counsel for the applicant that there is no

criminal antecedent of the applicant. The applicant is languishing in jail since 10.9.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that applicant carried a strong motive for the offence coupled by the fact that there is recovery of certain materials belonging to the deceased person at the pointing out of applicant, although he is not visible in the CCTV footage. As such, the applicant is not entitled for bail.

8. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

9. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another*, (2022) 10 SCC 51**.

10. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement*, 2024 INSC 595**, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

11. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

12. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that applicant is not visible in the CCTV footage, whereby co-accused person Ram Singh Yadav was seen in the CCTV

footage and was also identified by the owner of the hotel, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

13. Let the applicant- **Uday Singh**, 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

15. 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
Vikas Verma