



2026:AHC:2971

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 45880 of 2025

Gulshan Bharadwaj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raj Kumar Gautam, Vimlesh Gautam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Raj Kumar Gautam, learned counsel for the applicant and Sri Jai Kishan Chaurasia, learned State Law Officer and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No. 235 of 2025, under Sections 103(1), 61(2) of BNS, Police Station - Kotwali Hathras Gate, District - Hathras**, during the pendency of trial.

4. As per prosecution story, the applicant is alleged to have developed an illicit relationship with the daughter-in-law of the informant, which was objected to by the informant and his family members. Owing to such objection, it is alleged that the applicant committed the murder of the daughter of the informant on 14.06.2025 at about 7:35 p.m. in the market.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He has no concern with the alleged offence as mentioned in the FIR. It is further submitted that the FIR is highly doubtful on account of its unnatural promptness, having been lodged within a span of 55 minutes of the alleged incident. As per the prosecution version itself, the deceased was first taken to the hospital and, upon being declared dead, the informant thereafter proceeded to the police station to lodge the FIR. Considering the fact that the distance between the hospital and the police station is approximately 10 kilometers, while the place of occurrence is situated at a distance of about 5 kilometers, the lodging of the FIR within such a short span of time renders the prosecution story improbable and creates serious doubt, clearly indicating false implication of the applicant.

6. It is further submitted that the alleged motive has subsequently been found to be incorrect. Even assuming the existence of any illicit relationship, the same is alleged to be between the deceased and the applicant, and not with the daughter-in-law of the informant, as initially alleged. This material contradiction demolishes the very foundation of the prosecution case and further weakens the credibility of the FIR.

7. Learned counsel has also stated that it is true that the deceased has sustained two firearm injuries as tattooing and blackening was also found. Even the postmortem report is contradictory to the FIR. The eye-witnesses have been mentioned in the FIR just to add colour to the story, as such, the applicant is entitled for bail. The applicant is languishing in jail since 26.06.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned State Law Officer has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the fact that the motive has changed and the FIR seems to be too prompt as far as the incident is concerned, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Gulshan Bharadwaj**, 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

12. 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.

January 7, 2026
Siddhant

(Krishan Pahal,J.)