



2026:AHC:56389

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9451 of 2026

Pawan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Virpratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed, today in Court, on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, Sri S.N. Rai, learned AGA for the State-respondents and perused the record.
3. This bail application has been moved on behalf of accused-applicant Pawan seeking enlargement on bail in Case Crime No.418 of 2025 under Sections 140(1), 115(2) of B.N.S., Police Station- Rath, District- Hamirpur, during pendency of trial.
4. Tersely, as per the allegation contained in the FIR six accused persons including the applicant have abducted the cousin of informant, namely Shivam Vyas but he was recovered after two hours of the incident.
5. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR and has been falsely implicated in this case due to prior rivalry with the informant. Applicant is languishing in jail since 22.1.2026. It is submitted that though applicant is named in the FIR but no specific and distinct role has been assigned to the applicant regarding abduction of victim either in the FIR or in the statement of victim. It is further submitted that the victim Shivam Vyas having age of 25 years was said to be recovered on the very same day, after two hours of the incident and the victim in his statement recorded under Section 180 B.N.S.S. has not specified any distinct or separate role to the applicant regarding his abduction. It is argued that co-accused Vivek Rajpoot, Vinay Kumar, Nikhil having same role have already been enlarged on bail by this

court vide orders dated 08.12.2025, 28.1.2026 passed in Criminal Misc. Bail Application Nos.39746 of 2025, 40759 of 2025, 46152 of 2025 respectively and parity is sought in the matter. It is further argued that applicant has criminal history of ten cases which have been explained in para 2 of the supplementary affidavit filed on behalf of the applicant. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned AGA has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage, therefore, he does not deserve any indulgence. It is submitted that, in case the applicant is released on bail, he may again indulge in similar activities and misuse the liberty of bail. It is further submitted that as per the instructions received, charge-sheet has already been submitted in this case on 16.11.2025.

7. Having considered the submissions of the parties noted above as also the fact that though applicant is named in the FIR but no specific and distinct role has been assigned to the applicant regarding abduction of victim either in the FIR or in the statement of victim, the victim Shivam Vyas having age of 25 years was said to be recovered on the very same day, after two hours of the incident and the victim in his statement recorded under Section 180 B.N.S.S. has not specified any distinct or separate role to the applicant regarding his abduction, co-accused Vivek Rajpoot, Vinay Kumar, Nikhil having same role have already been enlarged on bail, charge-sheet has already been submitted, therefore, there is no reasonable possibility of intimidating or pressurizing the prosecution witnesses, he is languishing in jail since 22.1.2026, keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713** & **Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) 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 Court.

(iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.

(iv) 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 of accused personally to explain circumstances appearing in the evidence against him.

(v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly, in accordance with law.

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

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

March 19, 2026
RA

(Santosh Rai,J.)