



2026:AHC:64347

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9487 of 2026

Devalli @ Devki

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Mahenam Haroon, Pratham Gaur, Rajesh Kumar Yadav
Counsel for Opposite Party(s)	: G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Nagendra Kumar Mishra, learned brief holder for the State-respondent.
2. The present bail application under Section 483 BNSS has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 428 of 2025, under Sections 105, 115(2), 352, 351(3), 329(3), 191(2), 191(3), 190, BNS, Police Station Junawai, District Sambhal during the pendency of trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 06.11.2025. The first information report was lodged on 15.11.2025. The delay is fatal to the prosecution case. Initially, the first information report was lodged under Sections 103(1), 115(2), 352, 351(3) and 329(3) BNS. During investigation, Section 103(1) BNS was deleted and Sections 105, 191(2), 191(3) and 190 BNS were added. As per the first information report, the applicant along with eleven named accused and 15-20 unknown persons are alleged to have assaulted the brother of the informant. The brother of the informant succumbed to the injuries on 14.11.2025. According to the postmortem report, the deceased sustained six injuries. The injuries no. 1 and 2 were on the head, whereas the other injuries were on right thigh, left side of abdomen, left arm and right side of chest. In the opinion of the doctor, the cause of death is coma and shock due to antemortem head injuries. It is next contended that a vague and general role has been assigned to the applicant. The applicant was not nominated as the principal offender, who caused the head injuries. At this stage, there is no corroborative evidence to link the

applicant with the offence. Identically placed co-accused Tirmal @ Roopkishor has been granted bail by this Court vide order dated 25.03.2026 passed in Criminal Misc. Bail Application No. 10111 of 2026. The applicant claims parity. Criminal history of the applicant has been explained in Paragraphs 22 and 23 of the affidavit. The applicant is in jail since 16.01.2026 and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the first information report was lodged belatedly. As per the first information report, the applicant along with eleven named accused and 15-20 unknown persons are alleged to have assaulted the brother of the informant. The brother of the informant succumbed to the injuries on 14.11.2025. According to the postmortem report the deceased sustained six injuries. The injuries no. 1 and 2 were on the head, whereas the other injuries were on right thigh, left side of abdomen, left arm and right side of chest. In the opinion of the doctor, the cause of death is coma and shock due to antemortem head injuries. A vague and general role has been assigned to the applicant. The applicant was not nominated as the principal offender, who caused the head injuries. At this stage, there is no corroborative evidence to link the applicant with the offence. Identically placed co-accused Tirmal @ Roopkishor has been granted bail by this Court. Moreover, the applicant has remained confined for more than two months and after submission of charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Devalli @ Devki**, involved in the aforesaid case, 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 the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

March 28, 2026

Lbm/-