



2026:AHC:53899

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 965 of 2026

Suryakant Chaurasiya @ Surya

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Sengar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, learned AGA for the State-respondent and perused the record.
2. This bail application has been moved on behalf of accused-applicant, **Suryakant Chaurasiya @ Surya** seeking enlargement on bail in Case Crime No.261 of 2025 under Sections 140(3), 62, 87 and 115(2) BNS, P.S.- Gajner, District- Kanpur Dehat, during pendency of trial.
3. Tersely, as per allegation contained in the FIR, four unknown persons came in a car and abducted the informant, Subedar and his wife, Rekha Devi, who is the so-called wife of the informant. The informant and Rekha Devi were living as husband and wife since fourteen years.
4. Learned counsel for the applicant submits that the accused-applicant is not named in the FIR and role and involvement of the accused-applicant surfaced during the course of investigation after three days of the incident on the confessional statement of the accused-applicant when he was arrested in police firing case being Case Crime No.265 of 2025 under Section 109(1) BNS and Section 3/25 Arms Act. He further submits that no specific and distinct role has been clearly assigned either in the FIR or in the statement of the complainant/informant Subedar or Rekha Devi. Furthermore, the accused-applicant has not abducted the victim, as alleged by the prosecution in this case. The accused-applicant has criminal history of nine cases, which have been explained in para 3 of the supplementary affidavit and he is in jail since 04.09.2025. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. 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.

5. Per contra, learned A.G.A. 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. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

6. Having considered the submissions that the accused-applicant is not named in the FIR and FIR has been registered against unknown. The role and involvement of the accused-applicant surfaced on the basis of his confessional statement and confessional statements of co-accused persons. In the FIR, it has been stated that four accused persons has abducted the victim Rekha Devi, who is said to be the wife of the accused-applicant whereas in the statement of the complainant/informant Subedar, it has been clearly stated that he was living Rekha Devi as husband and wife. Rekha Devi also stated in her statement that her husband had died fourteen years ago and she was living with the informant Subedar as husband and wife. Injuries sustained by the victim Rekha Devi are simple in nature. The victim Rekha Devi was recovered after three days of the incident and she has not specified any specific and distinct role of the accused-applicant. As per submission of learned AGA, chargesheet has already been filed in this case and, thus, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses, accused-applicant is in jail since 04.09.2025 and 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 heavy 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.

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

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

(Santosh Rai,J.)

March 17, 2026

Ankit.