



2026:AHC:64798

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9571 of 2026

Ashutosh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anand Gangwar, Km Astha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Anand Gangwar, learned counsel for the applicant, Sri Himanshu Kumar, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.241 of 2025, under Sections-307, 331(4), 317(2), 103(1) BNS, Police Station-Sirsaganj, District-Firozabad, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that in the FIR, applicant was not named which was lodged by the son of the deceased who was not the eye witness. Subsequently, the co-accused Raj Kumar, who was also not named in the FIR was arrested by the police. In his confessional statement, the name of the applicant was surfaced. It is further submitted that there is no recovery of any incriminating material from the applicant and even the injured as well as the deceased prior to her death also stated that three persons had entered into their house and assaulted them while they prevented them from committing the theft, though, they could not recognize them. It is further submitted that applicant has been falsely implicated and the co-accused Raj Kumar, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No. 5363 of 2026 vide order dated 13.02.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has explained the

criminal history of two cases in the accompanying affidavit. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 25.05.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** and without expressing any opinion 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- **Ashutosh Kumar**, involved in the aforementioned 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, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the

bond executed by him.

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

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

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

March 28, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)