



2026:AHC:53613

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8987 of 2026

Shane Alam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Upendra Upadhyay
Counsel for Opposite Party(s)	: G.A., Javed Raza, Noor Ahmed

Court No. - 66
(Sl. No. 16 out of 121)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Upendra Upadhyay, learned counsel for the applicant, Sri Noor Ahmed, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 522 of 2025, under Sections 3/5, 61(2), 103(1), 238 BNS, Police Station Kasganj, District Kasganj, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have pushed his wife into the river with an intention to commit her murder, whereby she expired by drowning on 14.5.2025.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations are *per se* false. The FIR is delayed by about two months and there is no explanation of the said delay caused.
6. Learned counsel has next stated that a zero FIR was instituted by the informant one and a half months after the incident, as an afterthought. The only allegation is that the applicant was having illicit relationship with one lady Saima and had regular conversation with her. The said CDR report does indicate that the applicant was in touch with the said lady but it was an accidental death. The deceased fell down in the river while taking a selfie.

7. It is further stated by learned counsel that the statement of son of the applicant has been subsequently taken after a delay of more than six months. Although the said statement finds mentioned in the FIR, the applicant is entitled for bail as he has been implicated on the basis of suspicion only. The informant was present at the time of the inquest proceedings and he did not raise any suspicion against any person at that stage. The statement of the several passers-by were also recorded by the investigating officer and it was found to be accidental death.

8. There is no criminal history of the applicant. The applicant is languishing in jail since 22.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the informant did not have the knowledge that the applicant had committed the said murder, as and when he got the information he started moving application before the authorities. It was moved by him about eight days after the incident i.e. on 22.5.2025 but after much persuasion, the FIR could be instituted, as such, the delay stands explained.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the FIR was instituted after a delay of more than one and a half months and even the first application was moved after a delay of eight days from the incident and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Shane Alam**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

13. 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.

(Krishan Pahal,J.)

March 17, 2026

Shalini