



2026:AHC-LKO:20622

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12581 of 2024

Hasim Ali

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko

.....Opposite
Party(s)

Counsel for Applicant(s) : Alok Kumar Mishra, Anjali Pandey,
Smriti

Counsel for Opposite Party(s) : G.A.

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

1. Heard Shri Pushkar Shukla, Advocate holding brief of Ms. Smriti, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed on behalf of the applicant involved in Case Crime No.0297 of 2024, under Sections 307 & 364 I.P.C., Police Station Bilgram, District Hardoi.

3. As per prosecution case, on 9.6.2024 at around 3.58 p.m. the complainant lodged an F.I.R. to the effect that his son Altamas went to the shop of the village for having Samosa at around 7.00 p.m. from where he did not come back. Thereafter, upon investigation, Altamas was recovered. In the statement under Section 161 CR.P.C., Altmas disclosed that after eating Samosa, while he was coming back to home, Hasim (the applicant) and his aid picked him up from the Wine shop and kept him in a vehicle and went away and thereafter the applicant thrown him out of the vehicle and thereafter Altamas became unconscious. Thereafter, the child was brought to the police station by an unknown person.

4. Learned counsel for the applicant submits that the initially the F.I.R. has been lodged against unknown person. The applicant is not named in the F.I.R. Name of the applicant came in the recovery memo. The applicant's family has enmity with the complainant's family. The

applicant has no criminal history. Co accused Shameem has been granted bail by the Co-ordinate Bench of this Court vide order dated 21.10.2024 passed in Crl. Misc. Bail Application No.8517 of 2024. It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he undertakes that he shall not misuse the liberty of bail and he shall cooperate with the trial. Hence, the applicant may be granted bail.

5. ***Per contra***, learned A.G.A. vehemently opposed the prayer for bail and submitted that the role of the present applicant is distinguishable from the co accused Shameem who has been granted bail by the Co-ordinate Bench of this Court.

6. Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

7. Accordingly, the bail application is ***allowed***.

8. Let the applicant- ***Hasim Ali*** 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:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) 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. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him

under Section 229-A of the Indian Penal Code;

(3) 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 under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

9. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

10. It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Rajeev Bharti,J.)

March 20, 2026

Shukla