



2026:AHC-LKO:19115

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. BAIL APPLICATION No. - 1898 of 2026**

Kaushal Kishore @ Apradhi Baba

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Home  
And Confidential Lko.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Sudhanshu Shekhar Tripathi, Raghav  
Bansal, Ritwika Tripathi  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 13**

**HON'BLE SAURABH LAVANIA, J.**

1. Heard Shri Sudhanshu Shekhar Tripathi, learned counsel for the applicant, Shri S.P. Tiwari, learned A.G.A. for the State who has stated that he has complete instructions in the matter and he is ready to argue the case on merits.
2. The present application has been filed on behalf of the applicant seeking bail in FIR/Case Crime No.0188/2020, under Sections 147, 148, 149, 302, 201, 34, 120B IPC and Section 7 Criminal Law Amendment Act, Police Station - Gangaghat, District - Unnao.
3. While pressing the instant application, learned counsel for the applicant submitted that the applicant is innocent and he has falsely been implicated in the present case.
4. Learned counsel for the applicant has further submitted that the case of the prosecution as indicated in the F.I.R. is completely false, concocted and bogus.
5. It is further submitted that co-accused Santosh Bajpai, Abdul Baari, Vikas Dixit, Swaroop Chandra Sharma @ Ranu, Sharma Kapil Kataria @ Kapil Dev Shastri having the role of conspiracy have already been released on bail vide order(s) dated 08.10.2021, 16.12.2021, 05.07.2022, 14.07.2022, 18.07.2022, passed in Criminal Misc. Bail Application No(s)7198/2020,

7195/2021, 8687/2020, 298/2022, 2251/2021. The applicant has been assigned similar role. The relevant portion of one of the order(s), referred i.e. order dated 08.10.2021, passed in Criminal Misc. Bail application No.7198 of 2020 is extracted herein under :-

*"Heard Shri Nadeem Murtaza, learned counsel for the applicant, Shri Brij Mohan Sahai, learned counsel for the complainant and Shri Aniruddh Kumar Singh, learned A.G.A. for the State.*

*The present bail application has been filed by the applicant in F.I.R. No. 188 of 2020, under Sections 147, 148, 149, 302, 34, 120-B IPC and Section 7 of Criminal Law Amendment Act, Police Station Gangaghat, District Unnao with the prayer to enlarge him on bail.*

*Learned counsel for the applicant submitted that applicant is not named in the F.I.R. He further submitted that applicant has falsely been implicated in the present case as he has no connection with any criminal activities. He also submitted that in the present case, as per the prosecution case, the incident was taken place at 15.30 hrs., but the F.I.R. was lodged on 23.10 hrs. and the distance of police station is 5 k.m. away from the place of incident and the delay in lodging the F.I.R. has not been explained.*

*As per the prosecution case, Shubham Mani Tripathi, brother of the informant, who was a journalist and correspondent of daily newspaper, Kampu Mail, office of which, was situated at Jhandawala Chauraha, Poni Road Shuklaganj, P.S. Kotwali Gangaghat, District Unnao. The allegation made in the F.I.R. is that few days ago from the date of incident, land mafia, Divya Awasthi, Kanhaiya Awasthi, Raghvendra Awasthi @ Yashu s/o late Narendra Awasthi and their associates, Monu Lutera, Shahnawaj Bihari, Kaushal Kishore @ Apradhi Baba, Swaroop Chandra Sharma @ Ranu Sharma, Kapil Katariya, Atul Dubey and Vikas Dixit dismantled the office of the brother of informant and with the intention to kill, also done many round of firings. It is further alleged in the F.I.R. that in relation to the aforesaid incident, F.I.R. was also lodged by brother of the informant, Shubham Mani Tripathi, on account of which, informant and his family members were being victimized by all the aforesaid accused persons. Threats were also being given to compromise in the aforesaid case, otherwise entire family would be eliminated. It is alleged in the F.I.R. that on 19th June, 2020, at about 3.30 p.m., brother of the informant went to District Court, Unnao for his personal work, where the aforesaid accused persons chased him by two vehicles, on which, he ran towards Shukla Ganj on a motorcycle along with Mukhtar r/o Ahmad Nagar, Shukla Ganj with the intention to save himself. When the brother of informant reached 100 mtr. ahead from Sahjani crossing, at the same time, aforesaid accused persons came there in their vehicle and started indiscriminate firing on*

*Shubham Mani Tripathi, due to which, he was in the pool of blood and died on the spot. Even though, he was brought to Hallet hospital, Kanpur, but the doctors declared him dead.*

*Learned counsel for the applicant submitted that statement of Mukhtar, who was the eye witness, was recorded under Section 161 Cr.P.C. on 21.06.2020, in which, he stated that he along with Shubham Mani (deceased) was going to Shukla Ganj on his motorcycle while talking on family issues and when they came 100 steps ahead from Sahjani Chauraha, two persons came on motorcycle and fired at Shubham Mani from behind. He further stated that due to the said blow on Shubham Mani, the motorcycle slipped and fell down, on which, Mukhtar ran away, however, Shubham Mani couldn't. Mukhtar also stated that he looked back and saw that another motorcycle also reached there, on which, two persons were seated, who shouted that 'kill him, as he survived?'. Mukhtar entered in a house and after sometime, lady of the said house told him that assailants fled away, on which, he made a call to his son Imran and asked him to tell the brother of the Shubham Mani that he received fire arm injury. He also informed one Virendra Pradhan about the incident.*

*Learned counsel for the applicant submitted that in his statement, Mukhtar did not take the name of the applicant, which clearly shows that he has no concern with the incident. The F.I.R. was lodged on the basis of concocted facts and no evidence is found against the applicant during the course of investigation. He also submitted that statements of witnesses, namely, Raj Kumar Gupta and Mohit Shukla was recorded by the Investigating Officer on 26.06.2020, in which, the name of applicant does not find place. Thereafter, mazed statement of Mohit Shukla was recorded on 30.06.2020, in which, he stated that he failed to tell the Investigating Officer that prior to four days from the date of incident, Shubham Mani had informed him that when he was coming back then Santosh Bajpayee (applicant) stopped him and warned not to interfere in the working of Divya Awasthi, otherwise, he will be killed. He also stated that the applicant was companion of accused-Divya Awasthi at every moment.*

*Submission of the learned counsel for the applicant is that except the aforesaid fact, there is no evidence against the applicant. It is lastly submitted that the applicant, who has no criminal antecedent and is in jail since 30.06.2020. The trial is also not going on. In such circumstances, applicant is entitled for bail.*

*Learned A.G.A. as well as learned counsel for the complainant vehemently opposed the prayer for grant of bail to the applicant. However, they do not dispute the fact that except the mazed statement of the Mohit Shukla, no evidence has been found against the applicant.*

*Considering the rival submissions of the learned counsel for the applicant, learned A.G.A., learned counsel for the complainant and going through the contents of F.I.R., statement of witnesses, I am of the view that the applicant is entitled to be released on bail.*

*Let applicant - Santosh Bajpai be released on bail in F.I.R. No. 188 of 2020, under Sections 147, 148, 149, 302, 34, 120-B IPC and Section 7 of Criminal Law Amendment Act, Police Station Gangaghat, District Unnao, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned....."*

6. In these circumstances, the applicant, who is having criminal history of 04 cases which has been explained in paragraph 36 of the affidavit filed in support of the bail application, and is languishing in jail since 02.08.2025, is entitled to be released on bail on the ground of parity. In case of being enlarged on bail, he will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

7. Learned A.G.A. has opposed the prayer of the applicant. However, he could not dispute the above contention made by the applicant's counsel.

8. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., as well as other relevant documents and also the applicant's criminal history as also the ground of parity and without going into the merits of the case, this Court is of the view that the application has substance and it is accordingly, allowed.

9. Let the applicant - **Kaushal Kishore @ Apradhi Baba** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties, out of which one should be of the family member/close relative, in the like amount to the satisfaction of the court concerned, subject to following conditions:-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.

(v) 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.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

10. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

11. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation made in this order.

**(Saurabh Lavania,J.)**

**March 17, 2026**

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