



2026:AHC:11949

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42977 of 2025

Munshi Lal And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Surendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Surendra Singh, learned counsel for the applicants, Shri Ramendra Pal Singh, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicants, Munshi Lal and Mohar Singh, seeking enlargement on bail in Case Crime No. 129 of 2025, under Section 3(1) Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Indargarh, District Kannauj, during pendency of the trial.

It has been submitted by learned counsel for the applicant that the applicants are innocent and have been falsely implicated in this case due to ulterior motive. Eight cases of criminal history have sufficiently been explained.

It is further submitted that the applicants are not a member or leader or organizer of a gang and he has not abetted or assisted in the activities of a gang as enumerated in clause (b) of Section 2 of the Act. Applicant has no criminal history except the aforesaid case. It is next submitted that there is also no possibility of the applicants either fleeing away from the judicial process or tampering with the witnesses. The applicants, who is languishing in jail since 26.9.2025 undertakes that they will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

Learned counsel for the applicants has placed reliance upon a decisions of Apex Court passed in the case of ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648***, and ***Abhimanue etc. versus State of Kerala***, reported in ***2025 INSC 1136*** wherein the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant, but has not pointed out any other case against the applicant except the cases shown by learned counsel for the applicant.

Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 19(4) of the Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is ***allowed***.

Let applicants, **Munshi Lal and Mohar Singh**, be released on bail in the aforesaid case crime number on their furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions-

- (i) The applicants 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 them from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (ii) The applicants shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicants 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 351 of B.N.S.S.
- (iv) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.
- (v) The applicants shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Ashutosh Srivastava,J.)

January 19, 2026
Ravi Prakash