



2026:AHC:54384

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 367 of 2026

Sandeep Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arvind Kumar Gupta, Syed Irfan Ali
Counsel for Opposite Party(s)	:	G.A., Ram Awadh Maurya

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Syed Irfan Ali, learned counsel for the applicant, Ms. Babli Maurya, advocate holding brief of Sri Ram Awadh Maurya, learned counsel for the informant and learned AGA for the State-respondents and perused the record.
3. This is the second bail application moved on behalf of accused-applicant **Sandeep Gupta** seeking enlargement on bail in Case Crime No.302 of 2024, under Sections 323, 308, 504 and 506 I.P.C., P.S. Kotwali, District Maharajganj. First bail application has been rejected by Hon.Sanjay Kumar Singh, J. vide order dated 23.08.2025 passed in Criminal Misc. Bail Application No.29066 of 2025.
4. Tersely, as per allegations contained in the F.I.R., the accused applicant, one named and two unknown persons have caused injury to the injured Raju Yadav and Durgawati Devi.
5. Learned counsel for the applicant submits that the accused-applicant is named along with other accused persons in the F.I.R. but no separate role has been clearly assigned in the F.I.R. regarding causing injury to the injured persons. During course of trial proceedings statement of P.W.1 Raju Yadav has been recorded. Though he supported the prosecution version in the examination-in-chief but he has not clearly supported the prosecution version in his cross examination. However, other injured Durgawati Devi is not co-operating with the trial, she is absconding and bailable warrant has already been issued against her. The ordersheet of the trial court is annexed with supplementary affidavit as Annexure-1. On 21.02.2026 bailable warrant along with Rs.10,000/- has been issued against Durgawati Devi, who is said

to be injured witness in this case. The accused applicant is cooperating with trial proceedings before the trial court concerned. It is further argued that applicant has no criminal history and he is in jail since 30.07.2025. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned counsel for the informant and learned A.G.A. have opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

7. Having considered the submissions of the parties noted above as also the facts that though accused applicant is named in the first information report but common and general role has been assigned to the accused applicant and co-accused Geeta Devi who is said to be mother of the applicant, in the statement of the injured P.W.1 Raju Yadav common allegation has been levelled against the accused-applicant and his mother Geeta Devi and the injured Raju Yadav has stated that accused-applicant and his mother have caused injury to him from back side, he has not specified distinct role of the applicant in this case, the applicant is languishing in jail since 30.07.2025 meaning thereby he is in judicial custody for more than seven months, he has no criminal history, Durgawati, who is said to be injured, is absconding, she has not appeared before the trial court for examination, therefore, bailable warrant has been issued against her and keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.

(iv) 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 of accused personally to explain circumstances appearing in the evidence against him.

(v) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

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

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

March 17, 2026

Asha

(Santosh Rai,J.)