



2026:AHC:55694

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 4049 of 2026

Girish Chand

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arvind Tripathi, Sharad Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Rejoinder affidavit filed, today in Court, on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, Sri Purushottam Maurya, learned AGA for the State-respondents and perused the record.
3. This bail application has been moved on behalf of accused-applicant Girish Chand seeking enlargement on bail in Case Crime No.397 of 2025, under Sections 109, 115(2), 3(5) B.N.S., Police Station Wazeerganj, District Budaun.
4. Tersely, as per the allegation contained in the FIR three accused persons including the applicant have caused firearm injury to the injured Pravesh Kumari due to matrimonial/family dispute between the parties.
5. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR and has been falsely implicated in this case. Applicant is languishing in jail since 11.12.2025. It is submitted that though applicant is named in the FIR but informant and applicant are in close relationship and are family members and the incident occurred during verbal conservation when informant and applicant were resolving matrimonial dispute going on between daughter of applicant and brother of informant. It is further submitted that though applicant has been assigned the role of causing firearm injury to the injured Pravesh Kumari in the FIR but the injured Pravesh Kumari in her statement recorded under Section 180 B.N.S.S. has assigned the role of causing firearm injury to co-

accused Praveen and stated that applicant is her samdhi, therefore, there are material contradictions in the statement of injured Praveesh Kumari. It is argued that as per the medical report available on record the injured Praveesh Kumari has sustained gunshot injury on her right arm but the role of causing firearm injury has been assigned to co-accused Praveen. It is further argued that applicant is an old person having age of 73 years, who is suffering from old age ailments in support of which relevant documents are annexed with the bail application and has no criminal antecedents to his credit. 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 AGA has 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. It is submitted that, in case the applicant is released on bail, he may again indulge in similar activities and misuse the liberty of bail. It is further submitted that as per the instructions received, charge-sheet has already been submitted in this case on 19.1.2026.

7. Having considered the submissions of the parties noted above as also the fact that though applicant is named in the FIR but informant and applicant are in close relationship and are family members and the incident occurred during verbal conversation when informant and applicant were resolving matrimonial dispute going on between daughter of applicant and brother of informant, though applicant has been assigned the role of causing firearm injury to the injured Praveesh Kumari in the FIR but the injured Praveesh Kumari in her statement recorded under Section 180 B.N.S.S. has assigned the role of causing firearm injury to co-accused Praveen and stated that applicant is her samdhi, therefore, there are material contradictions in the statement of injured Praveesh Kumari, applicant is an old person having age of 73 years, who is suffering from old age ailments in support of which relevant documents are annexed with the bail application and has no criminal antecedents to his credit, charge-sheet has already been submitted, therefore, there is no reasonable possibility of intimidating or pressurizing the prosecution witnesses, he is languishing in jail since 11.12.2025, 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 heavy 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 misuses 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 18, 2026

RA

(Santosh Rai,J.)