



2026:AHC:17963

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2470 of 2026

Indresh Vishwakarma And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Manoj Tripathi, Santosh Kumar Singh
Paliwal Yadav

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

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Santosh Kumar Singh Paliwal Yadav, learned counsel for the applicant, Sri Kamlesh Kumar Tiwari, learned counsel for the informant as well as Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the record.

3. Applicants seek bail in Case Crime No.541 of 2025, under Sections 191(2), 109, 117(2), 131, 351(2), 103(1), 115(2), 352 BNS, Police Station Sahjanwa, District Gorakhpur, during the pendency of trial.

4. It is submitted by learned counsel for the applicants that similarly placed co-accused person, Amarjeet Vishwakarma has already been enlarged on bail by this Court vide order dated 20.1.2026 passed in Criminal Misc. Bail Application No.1583 of 2026. The applicants are languishing in jail since 12.10.2025, having no criminal history. He further submitted that since the role of the applicants is identical to that of co-accused, who has already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity.

5. The prayer for bail has been vehemently opposed by learned A.G.A. and learned counsel for the informant. However, the aforesaid factual aspects of parity to the co-accused and of no criminal history of the applicants, have not been disputed by him.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and also taking into consideration the judgment of the Supreme Court passed in the case of ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation,***

MANU/SCOR/22410/2021 and the judgment of this Court passed in the case of **Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cri.L.J. 938** coupled with the judgment of Supreme Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and another** reported in **2022 SCC OnLine SC 825**, and without expressing any opinion on the merits of the case, the Court is of the view that the applicants have made out a case for bail on the ground of parity. The bail application is **allowed** on the ground of parity.

7. Let the applicants- **Indresh Vishwakarma** and **Kartik Vishwakarma** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court. Identity, status and residence proof of the applicants and sureties be verified by the court concerned before the bonds are accepted.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220** and **Hussain and Another vs. Union of India; (2017) 5 SCC 702**, if there is no legal impediment.

10. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion on the testimony of the witnesses.

(Krishan Pahal,J.)

January 27, 2026
Vikas Verma