



2026:AHC:9333

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 39635 of 2025

Tasabbur

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Farid Ahmad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Farid Ahmad, learned counsel for the applicant and Shri S.K.Rai, learned AGA-Ist, for the State-respondents and perused the record.

This bail application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, has been moved on behalf of accused-applicant, **Tasabbur**, seeking enlargement on bail in Case Crime No. 393 of 2025, under Sections 109 (1), 318 (4), BNS and Section 3/25/27 of Arms Act, Police Station-Bahjoi, District-Sambhal.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number. The applicant is languishing in jail since 03.10.2025. First Information Report has been lodged on 03.10.2025 with the allegation that on the date of incident the police party was engaged in checking of the vehicles the police party has tried to stop the applicant the applicant opened fire on the police party, in which one police personnel namely Harish sustained gun shot injury, and in police firing the applicant also sustained gun shot injury and recovery of one 315 bore country made pistol along with two live cartridge have been shown from the applicant. Learned counsel for the applicant submits that the real fact is that the applicant was arrested from his house and has been falsely implicated the applicant in the present case. The recovery shown from the applicant is planted one. There is no eye witness of the aforesaid recovery. Criminal history of three cases has been properly explained 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.

Learned AGA has vehemently opposed by submitting that one police personnel has sustained gun shot injury and the applicant was arrested on the spot, but could not dispute the aforesaid facts.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, ***Tasabbur***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 14, 2026

Deepak/