



2026:AHC:125189

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17070 of 2026

Ismail Alias Sameer Alias Sumait

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Suraj Upadhyay, Vivek Singh
Counsel for Opposite Party(s) : Akash Tomar, G.A., Mukesh Kumar
Yadav

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Shri Vivek Singh, learned counsel for the applicant, Shri Akash Tomar, learned counsel for the first informant, and Shri Amit Kumar Dubey, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 42 of 2026, under Sections 191(2), 191(3), 190, 109(1), 103(1), 351(2) of B.N.S., Police Station Nauchandi, District Meerut, during the pendency of the trial.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that as per first information report, 11 named accused persons are said to have assaulted the first informant side by their firearm, as a result of which, one Aslam is said to have received gunshot injury and he died and another person has received gunshot injury on his shoulder. It is further submitted that the injured Shoaib has not assigned any specific role of assault to the applicant and he has assigned specific role of assault to the co-accused Aahad, Ashad, Aamir and Tarik. It is further submitted that as per postmortem report, there are five entry wounds on the person of the deceased and three injuries on his head. It is further submitted that the applicant is having criminal history of six cases, which has been duly explained in the supplementary affidavit filed today and

the applicant has been languishing in jail since 27.02.2026, in case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail and it has been submitted by them that the role of the applicant is covered by the common object as he was present at the place of occurrence and he also exhorted to kill the injured Shoaib.

6. As per first information report, 11 named accused persons are said to have assaulted the first informant side by their firearm, as a result of which, one Aslam is said to have received gunshot injury and he died and another person has received gunshot injury on his shoulder. It is further submitted that the injured Shoaib has not assigned any specific role of assault to the applicant and he has assigned specific role of assault to the co-accused Aahad, Ashad, Aamir and Tarik. As per postmortem report, there are five entry wounds on the person of the deceased and three injuries on his head. It is further submitted that the applicant is having criminal history of six cases, which has been duly explained in the supplementary affidavit filed today and the applicant has been languishing in jail since 27.02.2026.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Accordingly, the present application is **ALLOWED**.

9. Let the applicant- **Ismail Alias Sameer Alias Sumait** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court

concerned, with the following conditions:-

- (i) The applicant 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- (iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- (iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

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

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Meerut** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

(Jitendra Kumar Sinha,J.)

June 4, 2026
RKM