



2026:AHC:125251

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17265 of 2026

Abhay @ Baba

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Lavkush Kumar Bhatt
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Lavkush Kumar Bhatt, learned counsel for the applicant, Sri Anand Pratap Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 41 of 2026, under Sections 115(2), 352, 105 of B.N.S., Police Station Nawabganj, District Farrukhabad, during the pendency of the trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 24.02.2026, whereas the first information report was lodged on 26.02.2026. The delay is fatal to the prosecution case. As per the first information report and the statement of the informant, specific role of assaulting the deceased on the head with a wooden plank of a cot has been attributed to co-accused Kunal. According to the post-mortem report, the deceased sustained a single head injury and in the opinion of the doctor, cause of death is shock and hemorrhage as a result of antemortem head injury.
4. It is contended that the role attributed to the applicant is clearly distinguishable from that of co-accused Kunal. A vague and general role has been assigned to the applicant. It is further submitted that co-accused Dharamveer @ Sakte, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No. 14435 of 2026 vide order dated 30.04.2026. Therefore, the applicant having an

identical role, is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is in jail since 28.02.2026 having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail 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., 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. Accordingly, the present application is **allowed**.

7. Let the applicant- **Abhay @ Baba**, 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.

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

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

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Farrukhabad** via e-mail or on e-prison portal and Trial Court via e-mode 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** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

(Arun Kumar Singh Deshwal,J.)

June 4, 2026
SA