



2026:AHC:126478

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17956 of 2026

Subhash

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd Achhay, Pradeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

Heard Mr. Mohd. Achhay, learned counsel for the applicant, learned A.G.A. for the State and perused the material on record.

The instant bail application has been filed on behalf of the applicant with a prayer to release him on bail in Case Crime No. 149 of 2026, under Sections 191(2), 191(3), 190, 109, 115(2), 351(2), 352, 324(5) of BNS and Section 07 of Criminal Law Amendment Act, Police Station- Phase-3, District Gautam Buddha Nagar, during pendency of trial.

Learned counsel for the applicant has contended that the applicant has not been named in the FIR and has been falsely implicated in this case without any evidence. As per prosecution, the incident was committed by the named accused and 300-400 other persons. The applicant, at the relevant time, was passing through and due to sudden commotion and stampede like situation, he accidentally fell upon a police personnel, who got annoyed and as a result, the applicant has been falsely implicated in this case. It is submitted that no specific role has been assigned to the applicant. It is contended that the similarly placed co-accused, Pawan and Chhotu, have been granted bail by this Court on 29.05.2026 in Criminal Misc. Bail Application No. 18633 of 2026. The case of the applicant stands on identical footing, hence the applicant is also entitled for bail on the ground of parity for the reasons given in bail application of co-accused. The applicant is languishing in jail since 18.04.2026. The criminal history of the applicant is explained in paragraph no.4 of the supplementary affidavit.

Learned AGA has opposed the prayer for bail, but does not dispute the claim of parity.

Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR as well as other relevant documents, I am of the view that the applicant is entitled to be released on bail.

Let the applicant, **Subhash**, involved in aforesaid case be released on bail on furnishing a personal bond of Rs.50,000/- and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(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. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A (corresponding Section 269 BNS) of the Indian Penal Code.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. (corresponding Section 84 BNSS) is issued and the applicants fail to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A (corresponding Section 209 BNS) of the Indian Penal Code.

(v) 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 under Section 313 Cr.P.C. (corresponding Section 351 BNSS). If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial

Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

In default of any of the conditions, the concerned court shall be at liberty to cancel the bail granted to the applicant.

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

(Sanjiv Kumar,J.)

June 9, 2026
Subham