



2026:AHC:126994

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17585 of 2026

Shahnawaz @ Seraj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ravindra Prakash Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Supplementary affidavit filed by the learned counsel for the applicant today in the Court is taken on record.
2. Heard Shri Ravindra Prakash Srivastava, learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.
3. The present bail application has been filed on behalf of the applicant in Case Crime No.126 of 2025 registered under Sections 303(2), 317(2), 317(4), 317(5), 318(4), 336(3), 338 & 340(2) B.N.S. Police Station Belhar Kalan, District Sant Kabir Nagar, seeking enlargement on bail during the trial.
4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. It is submitted that the F.I.R. was lodged with regard to theft of four wheeler vehicle against unknown persons and during the course of investigation, the applicant was allegedly apprehended in a fake police encounter. As per the prosecution story, the alleged vehicle was not recovered from his possession and he is shown to have fled away from the scene of occurrence. It is next submitted that at the same time, the applicant was challaned in other cases in which he has been granted bail. It is further submitted that investigation has been completed and charge sheet has been filed. It is further submitted that the offence is triable by Magistrate First Class. He further submitted that the applicant has been in jail since 02.07.2025. In these circumstances, the applicant is entitled to be released on bail. In the event of being enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.
5. Learned A.G.A. has vehemently opposed the prayer for grant of bail to the

applicant.

6. 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 and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is allowed.

7. In view of the above, let the applicant-**Shahnawaz @ Seraj** be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the following conditions :-

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

(iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC (corresponding Section 269 BNS).

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (corresponding Section 84 BNSS) may be issued and if applicant fails 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 IPC (corresponding Section 209 BNS).

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3)

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.

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

June 12, 2026

VS

(Sanjiv Kumar,J.)