



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17966 of 2026

Gullu @ Shahbaz

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Manoj Kumar Tripathi, Vinod Kumar
Tirpathi
Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

Heard Mr. Manoj Kumar Tripathi, 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. 84 of 2026, under Section 109(1) of BNS, 2023 and Section 3/5/27 Arms Act, Police Station- Nahataur, District Bijnor, during pendency of trial.

Learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case. It is further submitted that the Police picked up the applicant from his house and falsely roped him in this case. It is submitted by learned counsel for the applicant that all the witnesses of incident are Police personnel and there is no public witness of the incident. It is also contended that the alleged injury caused to the Police constable is fabricated, which is simple in nature. It is further submitted that similarly placed co-accused, Imran, has been granted bail by this Court on 12.05.2026 and in Criminal Misc. Bail Application No. 15963 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 21.03.2026. The criminal history of the applicant is well explained in paragraph no.5 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, **Gullu @ Shahbaz**, 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