



2026:AHC:124569

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19045 of 2026

Chhotey

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Raj Pandey, Shubham Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Shubham Pandey, learned counsel for the applicant and Sri Pushkar Srivastava, 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. 485 of 2025 under Sections 103(1), 61(2) BNS, Police Station Dibai, District Bulandshahar during the pendency of the trial.
3. Learned counsel for the applicant has submitted that applicant is not named in the FIR and his name has surfaced during investigation in the confessional statement of co-accused Gaurav Kumar who has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.12.2025 passed in Criminal Misc. Bail Application No. 44341 of 2025. It is further submitted that it is a case of circumstantial evidence and apart from confessional statement of the co-accused against the applicant, there is no cogent evidence against him and nothing has been recovered from his possession. The applicant has been languishing in jail since 11.3.2026 and in case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submits that name of the applicant has surfaced during

investigation in the confessional statement of co-accused Gaurav Kumar and investigation is still going on.

5. FIR has been lodged against unknown alleging therein that dead body of the son of the first informant was found from an open place. During investigation, co-accused Gaurav Kumar has been arrested and he has confessed his guilt and has also implicated the applicant. Co-accused Gaurav Kumar has been granted bail by a Co-ordinate Bench of this Court.

6. 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.

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

8. Let the applicant **Chhotey** 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.

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

10. 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.

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 **concerned Jail Superintendent** 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 2, 2026

Madhurima