



2026:AHC:124613

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19074 of 2026

Junaid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ambreen Masroor, Sadrul Islam Jafri,
Sr. Advocate

Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri N.I. Jafri, learned Senior Counsel assisted by Miss Samra Usmani, learned counsel for the applicant and Sri Amit Kumar Dubey, 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. 196 of 2025, under Sections 103(1), 123 BNS, Police Station Bhopa, District Muzaffarnagar, during the pendency of the trial.

3. Learned Senior counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that the applicant has been implicated only on the basis of suspicion as it is alleged that he was having illicit relationship with the wife of the first informant and the applicant and co-accused Muskan (wife of the first informant) colluded with each other and committed the murder of two children of the first informant aged about 4 years and 1 year by administering poison to them. It is submitted that the niece of the first informant Samreen has not named the applicant and there is no electronic evidence regarding the presence of the applicant in the house of the first informant at the relevant point of time. It is further submitted that as per post-

mortem report of the deceased children, the cause of death could not be ascertained and viscera has been preserved, however, viscera report has not been submitted by the FSL. It is further submitted that the applicant is having no criminal history. It is further submitted that charge-sheet has already been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant has been languishing in jail since 21.6.2025. 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 but could not dispute the aforesaid facts, however, it is submitted that during investigation it has surfaced that the applicant used to visit the house of the first informant and the applicant and co-accused had administered poison to the deceased children, however, in the post-mortem report cause of death could not be ascertained and viscera has been preserved and chargesheet has been submitted.

5. As per FIR, the applicant and co-accused Muskaan (wife of the first informant) are said to have committed murder of two children of the first informant as they were in illicit relationship. As per the post-mortem report of the deceased children, cause of death could not be ascertained and viscera has been preserved, however, no viscera report has been submitted by the FSL and during investigation there is no evidence that the applicant was having poison in his hand and he administered the poison to the children. During investigation some of the witnesses have stated that the applicant was found in the house of the first informant at the relevant point of time, however, niece of the first informant has not taken the name of the applicant. Chargesheet has already been submitted and the applicant has been languishing in jail since 21.6.2025.

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- **Junaid** 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
Abhishek