



2026:AHC:127439

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19914 of 2026

Adil

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Faiz Hasnain
Counsel for Opposite Party(s)	:	G.A., Jitendra Singh

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Syed Faiz Hasnain, learned counsel for the applicant, learned counsel for the first informant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.50 of 2026, under Sections 103(1), 61(2) B.N.S., Police Station- Mainather, District- Moradabad.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He has nothing to do with the alleged offence. He is not named in the FIR, whereas co-accused Azeem Babu has been nominated in the FIR dated 01.03.2026. As per prosecution story, the deceased had been missing since the morning 27.02.2026. Thereafter, a missing report was lodged by the first informant on 27.02.2026. The body of the deceased was recovered on 28.02.2026. Subsequently, the FIR was lodged on 01.03.2026 nominating co-accused Azeem Babu. It is further submitted that no allegation whatsoever has been levelled against the applicant in the FIR or in the statement of the first informant. The applicant and co-accused Azeem Babu were nominated by alleged eye witnesses Usman and Nazir during the course of investigation on 29.03.2026. Delay in taking name of the applicant has not been properly explained by aforesaid alleged eye witnesses Usman and Nazir. The case is based on circumstantial evidence and the only evidence against the applicant is of last seen evidence. Nothing incriminatory was recovered from the possession or at the pointing out of the applicant. The chain of circumstances is not complete. It is further

submitted that co-accused, namely, Azeem Babu having an identical role, has already been granted bail by a Co-ordinate Bench of this Court vide order dated 27.05.2026 passed in Criminal Misc. Bail Application No.17399 of 2026. It is further submitted that the applicant has no criminal history to his credit and he is in jail since 02.03.2026. In case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Learned A.G.A. as well as learned counsel for first informant, on the other hand, opposed the prayer for grant of bail, however, they could not dispute the fact that similarly situated co-accused, namely, Azeem Babu has been granted bail by a Co-ordinate Bench of this Court.

5. I have considered the rival submissions made by the learned counsel for the parties and perused the material brought on the record.

6. In view of the entire facts and circumstances of the case, especially taking into account the fact that the similarly situated co-accused, namely, Azeem Babu has been granted bail by a Co-ordinate Bench of this Court and the same order has not been set aside or stayed by the Hon'ble Supreme Court, and the applicant has been languishing in jail since 02.03.2026, I deem it appropriate to enlarge the applicant on bail.

7. The bail application is **allowed**.

8. Let the applicant- **Adil**, who is involved in the aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) 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/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., 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/ 209 B.N.S.

(iv) 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. 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.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 16, 2026

Radhika