



2026:AHC:128667

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19921 of 2026

Chinoo

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohit Kumar Singh, Sujata Choudhary
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. Supplementary affidavit filed today is taken on record.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 112 of 2025, under Sections 103(1), 238, 309(6), 317(2) BNS, Police Station T.P. Nagar, District Meerut.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The wife of the deceased lodged a missing report on 21.2.2025, wherein it is stated that the deceased left his house on 18.2.2025 but did not return back. Nobody was nominated in the missing report. No doubt or suspicion was shown by the wife of the deceased prior to filing of the missing report. Thereafter, dead body of the deceased was recovered on 22.2.2025. The dead body was identified by the family members of the deceased on 23.2.2205 and thereafter a story was concocted and the first information report was lodged against the applicant and co-accused Atul on 24.2.2025. It is further submitted that the alleged incident had taken place on 18.2.2025, whereas the first information report was lodged on 24.2.2025 after recovery of dead body. There is no explanation of this inordinate delay and the first information report was lodged after due consultation and deliberation. Had the incident taken place as alleged in the first information report dated 24.2.202354, it would have been

mentioned in the missing report dated 21.2.2025 itself. The only allegation against the applicant is of taking away the deceased, which too is after thought. It is further submitted that the case is based on circumstantial evidence and chain of circumstances is not complete. As per the postmortem report of the deceased, cause of death could not be ascertained, hence viscera was preserved. There is no viscera report on the record. Nothing incriminating article has been recovered from the possession or pointing out of the applicant. There is no other witness except the last seen evidence against the applicant. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has been languishing in jail since 4.5.2025 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

5. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

6. I have considered the rival submissions of the parties and perused the record.

7. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

8. Accordingly, the bail application is **allowed**.

9. Let the applicant-**Chinoo** 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./ 351 of B.N.S.S. 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.

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

11. 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 23, 2026
Lalit Shukla