



2026:AHC:124957

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19219 of 2026

Mintu @ Sudhir

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Umesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Umesh Kumar, learned counsel for the applicant and Sri G.P. Singh, 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. 116 of 1993, under Sections 147, 148, 149, 307, 302 IPC, Police Station Jaithra, District Etah during the pendency of the trial.
3. Learned counsel for the applicant has submitted that the applicant was granted bail in the present case, however, case was fixed for judgement by the trial court but he did not appear and thereafter he filed an application, however, the said application was rejected and non-bailable warrant has been issued against him. It is submitted that the applicant approached this Court by filing an application u/s528 BNSS challenging the NBW, which has been rejected and he was directed to surrender before the trial Court and since then he has been languishing in jail since 30.4.2026. 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 the applicant is absconding on the date of the judgement.
5. The applicant was granted bail in the present case, however, case was fixed for judgement but he did not turn up on the said date and thereafter

he filed an application, however, the said application was rejected and non-bailable warrant has been issued against him which was challenged before this Court by filing an application u/s 528 BNSS and same has been rejected by this Court and he was directed to surrender before the trial Court and since then he has been languishing in jail since 30.4.2026 and till date no judgement has been pronounced.

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- **Mintu @ Sudhir** 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.

(v) The applicant shall remain present before the trial Court on each and every date and he will not seek any unnecessary adjournment.

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 3, 2026

Abhishek