



2026:AHC:126967

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20195 of 2026

Gulsabab

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Tripurari Pal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Sri Tripurari Pal, learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No. 368 of 2025, under Sections 131, 115 (2), 352,351 (3) and 105 of BNS, Police Station-Sahaswan, District-Budaun, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. It has further been submitted that there is general allegation against all the accused persons. No specific role has been assigned to the applicant. The similarly placed accused person namely, Sadab has already been released on bail by a coordinate bench of this Court vide order dated 24.04.2026 passed in Criminal Misc. Bail Application No. 127 of 2026. As per injury report of the deceased, the deceased has sustained 4 injuries. Out of which two injuries are abrasion and other two injuries were old semi healed, with no other mark of injury or swelling. As per prosecution case, the first informant died after three days of the incident. In the post mortem report, the cause of death of the deceased was found shock and hemorrhage as a result of antemortem splenic injury. After investigation charge-sheet was submitted. There is criminal history of one case against the applicant, in which he is on bail. The applicant is languishing in jail since 07.09.2025. In these circumstances, the applicant is entitled to be released on bail. In the event of being enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.

4. Learned A.G.A. opposed the prayer for grant of bail to the applicant.

5. Keeping in view of the nature of the offence, all attending facts and circumstances of the case, complicity of accused, severity of punishment and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. Accordingly, the bail application is allowed.

6. Let the applicant-**Gulsabad**, who is involved in 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.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) 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.

(iv) 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 (corresponding Section 269 BNS).

(v) 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. (corresponding Section 84 BNSS) 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 (corresponding Section 209 BNS).

(vi) 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. (corresponding Section 351 BNSS). 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.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

(Sanjiv Kumar,J.)

June 11, 2026

Gss