



2026:AHC:128583

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21095 of 2026

Mumtaz

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Raksha Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State of U.P. and perused the records.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.277 of 2025, under Sections 318(4), 316(2) BNS, Police Station-Kotwali Nagar, District-Banda, with the prayer to enlarge him on bail.
3. At the very outset, learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. He further contended that the applicant has not committed any offence, as alleged in the F.I.R. He also submitted that co-accused Sheebu is the principal accused against whom the main allegations have been levelled. The applicant has been made an accused in the present case only because he is also the member of the company along with the co-accused Sheebu. Learned counsel for the applicant further contended that the applicant has no previous criminal history and in jail since 19.05.2026. He further submitted that the co-accused, namely, Sheebu and Jasim alias Abdul Rahman, have already been granted bail by a Coordinate Bench of this Court vide orders dated 17.12.2025 and 23.04.2026 passed in Criminal Misc. Bail Application Nos. 36468 of 2025 and 37776 of 2025, respectively. Copy of the bail orders have been annexed at page no. 131 to 136 of the bail application. In these circumstances, the applicant is also entitled to be enlarged on bail.. In case he is enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.

4. Learned A.G.A. has opposed the prayer for grant of bail to the applicant but has fairly conceded that co-accused, namely, Sheebu and Jasim alias Abdul Rahman have already been granted bail.

5. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR, other relevant documents and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment and without expressing any opinion on the merits, I am of the considered view that applicant has made a case for bail. The bail application is **allowed** on the ground of parity.

6. Let the applicant-**Mumtaz**, 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 of 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.

(Tej Pratap Tiwari,J.)

June 22, 2026

Manoj