



2026:AHC:128582

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21188 of 2026

Naresh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Gaurav Singh Chauhan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard Sri Hriday Narain Pandey, holding brief of Sri Gaurav Singh Chauhan, learned counsel for the applicant, Sri Jayevdra Kumar Mishra, learned counsmel for the informant, 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. 734 of 2025, under Sections 103(1), 109(1), 191(2), 131 and 115(2) of BNS, 2023, Police Station-Atrauli, District-Aligarh , during the pendency of the trial.
3. Contention of learned counsel for the applicant is that in the FIR, allegation has been made against ten named persons including the applicant for beating the deceased and other injured with lathi, danda during marriage party. It is further submitted that the postmortem report of the deceased shows that he received one head injury which was found to be fatal and 3 other injuries are contusion and abrasion on non-vital part and no specific role has been assigned to any of the accused persons including the applicant to cause that injury. It is further submitted that there is no recovery of any weapon on pointing out of the applicant and even the other injured received simple injury. It is lastly submitted that it was a case of sudden fight between bride family and groom family over petty issues and no one intended to cause deadly injury to other side and both sides lodged FIR against each other. It is further submitted that co-accused Gullu @ Praveen and Akash Chaudhary have already been released on bail on 27.4.2026 and 27.05.2026 by coordinate Bench of this Court in Criminal Misc. Bail Application No. 13886 of 2026 and 18408 of 2026. Therefore, the applicant having an identical role, is also entitled to be released on bail on the ground of parity. It

is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 14.11.2025. 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.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail 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. Accordingly, the present application is allowed.

6. Let the applicant-Naresh, 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.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number and Aadhaar card of the applicant as well

as sureties should be verified by the court concerned.

10. 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.

11. Office is directed to send a copy of this order to the applicant through Jail Superintendent, Aligarh 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.**

June 22, 2026

MN/-

(Tej Pratap Tiwari,J.)