



2026:AHC:129125

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9212 of 2026

Dilnawaz @ Kallu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ravindra Kumar Yadav, Sandeep
Kumar Yadav

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed, today in Court, on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State-respondents and perused the record.
3. This bail application has been moved on behalf of accused-applicant Dilnawaz @ Kallu seeking enlargement on bail in Case Crime No.172 of 2025, under Section 3/25 Arms Act, Police Station Gambhirpur, District Azamgarh.
4. Tersely, as per the allegation contained in the FIR two accused persons including the applicant have been spot arrested by the police and one pistol was said to be recovered from their possession.
5. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR and has been falsely implicated in this case. Applicant is languishing in jail since 12.6.2025. It is submitted though applicant alongwith one co-accused is named in the FIR but no reliable and independent witness was present at the time of preparation of recovery memo and arrest of applicant. It is further submitted that false recovery has been shown by the police personnel. It is argued that applicant has criminal history of nine cases which have been explained in para 9 of the affidavit filed in support of bail application as well as in

supplementary affidavit. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned AGA has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage, therefore, he does not deserve any indulgence. It is submitted that, in case the applicant is released on bail, he may again indulge in similar activities and misuse the liberty of bail.

7. Having considered the submissions of the parties noted above as also the fact that though applicant alongwith one co-accused is named in the FIR but no reliable and independent witness was present at the time of preparation of recovery memo and arrest of applicant, keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713** & **Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances

appearing in the evidence against him.

(v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly, in accordance with law.

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

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

(Santosh Rai,J.)

June 25, 2026
RA