



2026:AHC:127422

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19896 of 2026

Ashish

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sachin Malik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Vakalatnama filed by Sri Sandeep Tripathi, Advocate, on behalf of opposite party no. 2/informant is taken on record.
2. Heard learned counsel for the applicant, Sri Sandeep Tripathi, learned counsel for the informant and the learned A.G.A. for the State of U.P.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 47 of 2026 under Sections 109(1), 352, 3(5) of B.N.S., Police Station- Baraut, District- Baghpat.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant is not nominated in the F.I.R. dated 15.01.2026. The alleged incident had taken place on 14.01.2026 at 18:00 hours, whereas the F.I.R. was lodged after delay of almost 24 hours on 15.01.2026. The F.I.R. was lodged against co-accused Nitin, Akshay, Gaurav and one unknown person. During course of investigation, statement of injured Ankit was recorded on 17.01.2026 and the injured took name of the applicant. General allegation has been levelled against the four accused persons when statement of the injured was recorded. It is further submitted that the injured received injuries on his leg and hand. No injury was caused to the injured on his vital part.
4. It is further submitted by the learned counsel for the applicant that there is a cross version and cross F.I.R. of the incident dated 14.01.2026. The

F.I.R. was lodged from the side of applicant on 15.01.2026 at 12:24 hours (prior to the lodging of F.I.R. from the side of informant), which was registered as Case Crime No. 46 of 2026, under Section 126(2), 109(1), 351, 352 of B.N.S., P.S. Barot, District Baghpat. The accused Ankit (injured of the present case) of Case Crime No. 46 of 2026, has been enlarged on bail by a co-ordinate Bench of this Court. From the side of the applicant, two persons sustained injuries. The injured Gaurav sustained gun shot injuries over right upper abdomen. Another injured Nitin, from the side of applicant, sustained entry wound right back corresponding exit wound lower abdomen.

5. It is further submitted by the learned counsel for the applicant that the complainant party is aggressor and the applicant too was well known to the injured and resident of the same village, has been subsequently made accused during course of investigation due to ulterior motives. It is further submitted that bail application of the co-accused Akshay, has been rejected by co-ordinate Bench of this Court vide order dated 23.04.2026 in Crl. Misc. Bail Application No. 10926 of 2026, however, it is admitted that co-accused Akshay was nominated in the F.I.R. whereas the applicant was not nominated in the F.I.R. and his name has surfaced during course of investigation. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has been languishing in jail since 04.05.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

6. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

7. I have considered the rival submissions of the parties and perused the record.

8. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of

bail.

9. Accordingly, the bail application is **allowed**.

10. Let the applicant- Ashish, who is involved in the 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. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) 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/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., 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/ 209 B.N.S.

(iv) 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./ 351 of B.N.S.S. 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.

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

12. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent

opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 16, 2026
A.P. Pandey