



2026:AHC:129486

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21575 of 2026

Omveer

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ray Sahab Yadav, Surya Prakash
Yadav

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

Court No. - 66

HON'BLE DINESH PATHAK, J.

1. Heard 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 to release him on bail in Case Crime No.119 of 2026, under Sections 109 (1), 191(2), 191(3), 190, 221, 126(2), 121(1), 132, 115(2), 352, 351(3) B.N.S. and Section 7 Criminal Law Amendment Act, Police Station Sahawar, District Kasganj, during the pendency of the trial.

3. On account of incident dated 14.04.2026, a First Information Report being Case Crime No. 119 of 2026 dated 15.04.2026 came to be registered against 36 named and 10-15 unknown persons with the allegation that they created ruckus in a procession being taken out on the occasion of Dr. Bhim Rao Ambedkar Jayanti while it was passing through their area. It is alleged that the accused pelted stones, as a result of which two constables sustained grievous injuries. 18 persons were arrested from the spot, while the remaining managed to flee there from.

4. Learned counsel for the applicant submits that applicant was not named in the First Information Report. However, he has illegally been arrested by the Investigation Officer. Till date, no charge sheet has been submitted in the aforesaid case crime number. He has emphasized that most of the accused persons have already been released on bail. It is further submitted

that there is nothing on record to attribute the injury caused to the police personnel to the present applicant. Co-accused, namely, **Ajeet, Udaiveer and Kuldeep** have been granted bail by Coordinate Bench of this Court vide orders dated 22.05.2026, 26.05.2026 and 29.05.2026 respectively passed in Criminal Mic. Bail Applications Nos. 17732 of 2026, 18077 of 2026 and 18733 of 2026, copies of the said bail orders have been collectively annexed as Annexure-7 to the bail application. 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 in the trial proceedings.

5. Learned A.G.A. has vehemently opposed the submissions advanced by the learned counsel for the applicant.

6. Having considered the rival submissions advanced by the learned counsel for the parties and perusal of record, it transpires that general allegations have been made against all the accused persons without attributing any specific role to any individual. The present applicant was not named in the First Information Report, though, his name surfaced at a subsequent stage during investigation. It is admitted by the learned A.G.A. that, till date, no charge sheet has been submitted by the investigating officer. The incident in question took place while the procession of Dr. Bhim Rao Ambedkar Jayanti was going through the area where most of the accused reside. Although two constables were admittedly injured, there is nothing on record to substantiate that the present applicant was the author of said injury. As per the submission of learned counsel for the applicant, 21 persons have already been enlarged on bail out of 36 named accused.

7. Keeping in view the nature of the offence, evidence on record, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, this Court is of the considered view that applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

8. Let the applicant-**Omveer**, 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, 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.

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

cancellation of bail by the trial court.

June 29, 2026

T.S.

(Dinesh Pathak,J.)