



2026:AHC:129149

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 21624 of 2026**

Shubham Upadhyay

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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|-------------------------------|---|---------------------------------------|
| Counsel for Applicant(s)      | : | Prashant Yadav, Subhash Chandra Yadav |
| Counsel for Opposite Party(s) | : | G.A.                                  |

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**Court No. - 67**

**HON'BLE SAMEER JAIN, J.**

1. Heard Sri Subhash Chandra Yadav, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 215 of 2026, under Sections 109(1), 112(2) BNS and 3/13 Public Gambling Act, Police Station Nawabad, District Jhansi, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however as per allegation when police arrived at spot after receiving information that some accused persons were playing gambling then they tried to escape from fortuner vehicle and they hit the police vehicle due to which two police personnel sustained injuries and applicant and two others were arrested at spot but entire allegations levelled against the applicant are totally false.
4. He further submitted that however applicant has also challaned for offence punishable under section 109(1) BNSS but from perusal of the medical reports of the police personnel which have been annexed at page Nos. 181 and 183 of the paper book it reflects both the injured sustained simple injuries and therefore, it cannot be said that applicant was having any intention to cause death of the police personnel.
5. He further submitted that however applicant is having criminal history of five other cases but his criminal history has been duly explained in the instant bail application and all the five cases were of minor nature.

6. He further submitted that applicant is in jail in the present matter since 29.4.2026.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However as per allegation when police after receiving information that applicant and others were playing gambling arrived at spot then applicant alongwith others tried to commit the murder of the police personnel by crushing their vehicle through their fortuner vehicle and in the alleged incident two police personnel sustained injuries but after considering the medical reports of the police personnel it reflects they sustained minor injuries.

10. Further, even on the basis of general allegations, applicant has been made accused in the present matter alongwith several others.

11. Further, however, apart from the present case applicant is having criminal history of five other cases but his criminal history has been explained and it reflects all the cases relate to minor offences.

12. Further, in the present matter applicant is in jail since 29.4.2026.

13. Further, law is settled that unless proven guilty an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

14. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

16. Let the applicant-**Shubham Upadhyay**, be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless

his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

**June 25, 2026**  
Ankita

**(Sameer Jain,J.)**