



2026:AHC:126080

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19607 of 2026

Abid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Nath Bhatt
Counsel for Opposite Party(s)	:	G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant and learned AGA for the State-respondent.

The instant application has been filed seeking release of the applicant on bail in S.T. No. 634 of 2025 (State of U.P. vs. Abid), arising out of Case Crime No. 72 of 2013, under Sections 307, 420, 467, 468, 471, 411 and 414 IPC, Police Station Saidnagli, District Amroha, during pendency of the trial in the court concerned.

Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case and that the allegations levelled against him are wholly false and baseless. It is further submitted that due to extreme financial hardship and lack of means of livelihood, the applicant along with his wife and son had gone to Delhi in search of employment. Consequently, he could not appear before the trial court on 25.04.2018, nor could he instruct his counsel to move an adjournment application owing to his poor economic condition and lack of resources. It is submitted that, in the aforesaid circumstances, the learned trial court issued a non-bailable warrant against the applicant on 25.04.2018. However, because of his acute financial distress and continuous struggle for livelihood, the applicant could not return to pursue the proceedings of the case and continued to reside in Delhi. During this period, several coercive processes were issued by the trial court for securing his presence, however, neither the applicant nor any member of his family received any

summons or other court process, and therefore he remained unaware of the subsequent proceedings. Learned counsel contends that there was neither any mala fide intention nor deliberate negligence on the part of the applicant in not appearing before the trial court after 25.04.2018. It is submitted that immediately upon knowledge of the proceedings, the applicant surrendered before the court concerned on 16.04.2026 and was remanded to judicial custody. Thereafter, his bail application was moved before the court concerned, which was rejected. It is further submitted that the applicant has only one other criminal case namely Case Crime No. 73 of 2013, under Section 25 Arms Act, Police Station Saidnagli, District Amroha, in which the trial is still pending. Apart from the aforesaid case, the applicant is neither involved in nor wanted in any other criminal case. Lastly, it is submitted that the applicant is a law-abiding person, there is no likelihood of his absconding or misusing the liberty of bail, and there is no possibility of his tampering with the prosecution evidence or influencing the witnesses. The applicant has been in judicial custody in the present case since 16.04.2026. Therefore, considering the facts and circumstances of the case, the applicant is entitled to be enlarged on bail.

Per contra, learned A.G.A. opposed the prayer for bail and submitted that the applicant has remained absconding for a considerably long period and deliberately avoided the process of law. It is submitted that despite issuance of non-bailable warrant on 25.04.2018 and subsequent coercive measures by the trial court, the applicant failed to appear before the court concerned. Learned counsel, therefore, submitted that considering the nature of the accusations, the conduct of the applicant in remaining absent for a long period, and the possibility of his not cooperating with the trial proceedings, no case for grant of bail is made out. The bail application is liable to be rejected.

Having heard learned counsel for the parties, perused the record and considering the facts and circumstances of the case, the nature of accusations, the explanation furnished by the applicant regarding his non-appearance before the trial court, the period of incarceration undergone by him, the fact that the applicant has surrendered before the court concerned and is in judicial custody since 16.04.2026, 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.

Accordingly, the bail application is allowed.

Let the **applicant-Abid**, who is involved in aforesaid 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.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

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

(Jai Prakash Tiwari,J.)

June 5, 2026
Brijesh