



2026:AHC:126505

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19256 of 2026

Mukesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Pati Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Rakesh Pati Tiwari, 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 **Mukesh-** in Case Crime No.285 of 2026, under Sections 303(2), 317(2), 336(3) and 338 of BNS, Police Station-Baradari, District-Bareilly, with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that the applicant has been in jail since 01.04.2026. He contended that the FIR was lodged against unknown persons and after about one month the applicant along with other co-accused was apprehended by the police and false recovery was planted against him. It is also submitted that there is no public witness of the alleged recovery. It is next submitted that criminal history of the applicant has been explained and the applicant is on bail in other cases and he is previously not convicted in any case. It is also submitted that the offence is triable by Magistrate-Ist class. 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 with the trial proceedings.

4. Learned A.G.A. opposed the prayer for grant of bail to the applicant.

5. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR as well as other relevant documents, and keeping in view the nature of the offence, all

attending facts and circumstances of the case, complicity of accused, severity of punishment and submissions of the learned counsel for the parties, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. I am of the view that the applicant is entitled to be released on bail. Accordingly the bail application is allowed.

6. Let the applicant- **Mukesh**, 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 and 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.

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

June 10, 2026
AdityaG

(Sanjiv Kumar,J.)