



2026:AHC:129242

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21691 of 2026

Devendra Sharma @ Devan Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Ali Imam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Mohd. Arshan, learned Advocate holding brief of Sri Syed Ali Imam, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 83 of 2026, under Sections 305(e), 331(4), 317(2) BNS, Police Station Surajpur, District Gautam Buddh Nagar during pendency of the trial.
3. Learned counsel for the applicant submits, however, there is allegation of criminal trespass, theft and receiving the stolen property against applicant but entire allegation leveled against applicant is totally false. He next submits, even all the alleged offences are triable by Magistrate with maximum punishment of seven years.
4. He further submits, actually police is highly inimical with the applicant and used to implicate him in false cases and earlier also in 18 cases police falsely implicated the applicant and only due to his previous criminal history police falsely implicated the applicant in the present matter.
5. He further submits, entire criminal history of the applicant has been explained in the instant bail application and in all the cases applicant is on bail.
6. He further submits, in the present matter applicant is in jail since 09.04.2026.

7. Per contra, learned AGA opposed the prayer for bail and submits, apart from the present case applicant is having criminal history of 20 other cases but could not dispute the other argument 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, there is allegation of theft, criminal trespass and receiving stolen property against applicant and he is also having criminal history of 20 other cases but all the alleged offences are triable by Magistrate with maximum punishment of seven years.

10. Further, entire criminal history of the applicant has been explained in the instant bail application and it reflects, in all the cases applicant is on bail.

11. Further, criminal history of the applicant shows that all the previous cases are of theft and in all the cases during investigation applicant has been made accused like present case. Considering these facts, the argument advanced by learned counsel for applicant that only due to previous criminal history, applicant has been made accused in the present matter cannot be ruled out.

12. Further, law is settled that if otherwise case of bail is made out then merely on the basis of criminal history ordinarily bail application of an accused should not be withheld.

13. Further, in the present matter applicant is in jail since 09.04.2026.

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 - Devendra Sharma @ Devan Sharma 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
AK Pandey

(Sameer Jain,J.)