



2026:AHC:128731

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20616 of 2026

Guddu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rajesh Kumar
Counsel for Opposite Party(s)	: G.A., Lal Ji Pandey

Court No. - 70

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard Sri Raajesh Kumar, learned counsel for the applicant, Sri Lal Ji Pandey, learned counsel for the informant, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 0429 of 2025, under Sections 137(2), 238, 103(1) of B.N.S., Police Station- Loni Border, District- Ghaziabad, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that the applicant has not been named in the FIR. Subsequently, in the statement of the first informant recorded under Section 180 of the B.N.S.S., the name of the applicant came into light along with other co-accused as the first informant merely expressed suspicion regarding their involvement in the kidnapping of the deceased. The evidence, at this stage, is the last seen of the applicant along with the deceased child, namely, Dev (aged about 10 years). It is further contended that, the applicant has been falsely implicated in the present case and the enmity as stated at page 34 of the instant criminal misc. bail application is not between the applicant and the complainant. It is further submitted that similarly situated co-accused, Rohit alias Krishna has been granted bail by coordinate Bench of this Court vide order dated 13.04.2026 passed in Criminal Misc. Bail Application No.12436 of 2026. There is no incriminating material recovered from the possession of the applicant. him. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case. The applicant is a law abiding citizen and he is languishing in jail since 19.07.2025. In case, he is granted bail, he will not misuse the liberty of bail

and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. as well as learned counsel for the informant have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation reported in 2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant-Guddu, involved in the aforementioned 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, with the following conditions:-

- i. 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.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023 reported in (2024) 10 SCC 685.**

June 23, 2026

MN/-

(Tej Pratap Tiwari,J.)