



2026:AHC:128239

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18607 of 2026

Kunal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashi Shanker Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 48

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Sri Shashi Shanker Shukla, learned counsel for the applicant, learned A.G.A. representing for the State and perused the material on record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 65 of 2026, under Sections 352, 109(1), 118(2), 131 of B.N.S., Police Station- Kharkhauda, District- Meerut, during the pendency of the trial.
3. The nutshell of the prosecution case is that on 16.04.2026 at about 10:30 p.m., the applicant along with the other co-accused persons allegedly took away Anand son of the informant and brutally assaulted him. It is alleged that after the incident Anand was left in an injured condition near the cremation ground. Upon a strenuous search, the informant located him lying injured at the said place. Thereafter, the injured disclosed the names of the applicant and the other co-accused persons as the assailants. On the basis of the statement of the injured and the surrounding circumstances of the case, the applicant and the co-accused have been named in the present case.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that no injury has been sustained by the injured which would attract the provisions of Section 109(1) of the B.N.S. According to the medical evidence on record, the injured has suffered only the loss of a tooth, which constitutes grievous hurt and is a bailable offence. It is next submitted that the remaining offences alleged against the applicant and the co-accused persons are punishable with imprisonment of less than seven years. Learned

counsel for the applicant further submitted that the applicant has not committed any offence and has been falsely implicated due to previous enmity between the parties. It is next submitted that prior to the present incident, the applicant was assaulted by the informant's side and an F.I.R. in that regard was lodged, a copy whereof has been annexed as SA-1 to the supplementary affidavit. On account of the aforesaid enmity, the present criminal case has allegedly been instituted against the applicant with an ulterior motive. The applicant is a law-abiding citizen and he has no criminal antecedents to his credit. The applicant is languishing in jail since 20.04.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned Additional Government Advocate opposed the bail prayer of the applicant but could not dislodge the above mentioned factual submissions of learned counsel for applicant.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also 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** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail 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. Accordingly, the present application is allowed.

7. Let the applicant **Kunal** 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 her.

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

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

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

June 18, 2026
Vikram

(Lakshmi Kant Shukla,J.)