



2026:AHC:124334

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 11439 of 2026

Ajay @ Gullu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhishek Srivastava, Ajay Nand Pandey
Counsel for Opposite Party(s)	:	Deepak Singh Patel, G.A., Mukesh Kumar Yadav

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ajay Nand Pandey, learned counsel for the applicant, Sri Deepak Singh Patel, learned counsel for the first informant and Sri Bhupendra Pal Singh, 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. 01 of 2026, under Sections-103(1), 238(A), 140(4), 61(2)(A), 70(2) BNS and 5G/6 POCSO Act, Police Station-Bhaurakalan, District-Muzaffar Nagar, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that applicant was not named in the FIR wherein the allegation has been made that some unknown persons has committed the murder of the son of the first informant, as his body was found on 07.01.2026 in an open field. Though, it was mentioned that first informant had seen the deceased at 4:30 pm on 06.01.2026 while he was playing with other children. It is further submitted that applicant has been implicated merely on the basis of statement of one Jagdish recorded on 08.01.2026 wherein he stated that he had seen the applicant and other co-accused persons lastly going along with the deceased at 4 pm on 06.01.2026, though, Jagdish was the witness at the time of preparation of inquest report on 07.01.2026. Therefore statement of Jagdish cannot be

relied upon. It is further submitted that there is no eyewitness of the incident or there is no recovery of pointing out of the applicant. 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, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 08.01.2026. 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 counsel for the first informant and learned A.G.A. 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** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **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**.

6. Let the applicant- **Ajay @ Gullu**, 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. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

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 **Muzaffar Nagar Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours 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** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

(Arun Kumar Singh Deshwal,J.)

June 1, 2026
S.C.