



2026:AHC:124707

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 11949 of 2026

Guddu Balmiki

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Umesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

In Re: Crl. Misc. Amendment Application No.02 of 2026

1. In view of the order of the trial court dated 11.05.2026 on correction application regarding correction of father name of the applicant, the present amendment application is **allowed**.
2. Let necessary amendment be carried out during course of the day.

Order on Bail

1. Heard Sri Umesh Kumar, learned counsel for the applicant, Sri D.P.S. Chauhan, 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 during the trial in Case Crime No.0169 of 2025, under Sections 191(2), 352, 351(3), 103(1), 3(5) B.N.S, Police Station Kalyanpur, District Kanpur Nagar.
3. Contention of learned counsel for the applicant is that applicant has been falsely implicated, though, there is no incriminating material against him. He further submitted that in the FIR, allegation has been made against the applicant and his five unknown relatives; during investigation same story was reiterated by the first informant in his statement, however, one eye-witness Suraj Kumar has stated that it is the co-accused Yash who hit the deceased with brick and other co-accused persons hit the deceased against the wall. However, the post-mortem report of the deceased shows that he

received only one head injury which is fatal and role of causing of that injury has been assigned to the co-accused Yash, who has already been released on bail by a Co-ordinate Bench of this Court in Criminal Misc. Bail Application No. 30858 of 2025 vide order dated 15.10.2025. Therefore, the applicant, who is on better footing, is also entitled to be released on bail on the ground of parity. 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 a law abiding citizen and he is languishing in jail since 27.04.2025. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. *Per contra*, learned A.G.A. has 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. Accordingly, the bail application is **allowed**.

6. Let the applicant- **Guddu Balmiki** 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 downloaded copy of this order 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 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 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 2, 2026

CS/-