



2026:AHC:126349

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16833 of 2026

Chotu @ Divyansh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Gaurav Srivastav, Rajesh Kumar
Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.

2. The present bail application has been filed on behalf of the applicant in Case Crime No.19 of 2026, under Sections 109(1), 191(2), 190, 191(3), 115(2), 352, 351(2), 3(5) BNS and Section 3/25 of Arms Act, Police Station Shahganj, District Agra, with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submitted that the applicant is innocent person and has been falsely implicated in the case. It is further submitted that the Investigating Officer recorded the statements of the injured persons, namely, Satendra and Raghvendra @ Vishnu, under Section 180 of the BNSS. It is further submitted that the co-accused, Danish, was arrested and a country-made pistol (tamancha) was allegedly recovered from his possession. It is further submitted that no specific role has been assigned to the applicant and only a general and omnibus allegation has been levelled against all the named accused persons. It is further submitted that, as per the statement of the injured witness Raghvendra, no role has been attributed to the applicant in the alleged incident. The role of firing was initially assigned to B.P. and Anas, and subsequently the name of the applicant was introduced. It is further submitted that the injury sustained by the injured Satendra, who has attributed a role to the applicant, is not on any vital part of the body, as the injury is alleged to have been caused on his hand. It is further

submitted that there is no independent witness either to the alleged incident or to the alleged arrest and recovery of the country-made pistol. It is further submitted that the applicant is languishing in jail since 13.01.2026. He further submitted that co-accused, namely, Amit Thakur Gangoria, Danish and Prince Nohwar have already been granted bail by Co-ordinate Bench this Court, vide orders dated 12.05.2026, 02.04.2026 and 16.03.2026 passed in Criminal Misc. Bail Application No.9248 of 2026, Criminal Misc. Anticipatory Bail Application u/s 482 BNSS No.2958 of 2026 and Criminal Misc. Bail Application No.6465 of 2026, respectively. In these circumstances, the applicant is also entitled for bail.. In case of being enlarged on bail, he will not misuse the liberty of bail.

4. Learned A.G.A. opposed the prayer for grant of bail to the applicant.

5. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR as well as other relevant documents and the role of the applicant, I am of the view that the applicant is entitled to be released on bail.

6. Let the applicant- **Chotu @ Divyansh**, who is involved in aforementioned case 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 subject to following conditions.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC (corresponding Section 269 BNS).

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (corresponding Section 84 BNSS) may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC (corresponding Section 209 BNS) .

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. (corresponding Section 351 BNSS). If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

7. In case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail.

(Sanjiv Kumar,J.)

June 9, 2026

A.N. Mishra