



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1015 of 1989

Aditya Kumar and others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Ansar Ahmad, Sushil Kumar Pandey
Counsel for Respondent(s)	:	A.G.A.

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

In compliance with the order dated 13.01.2026, the Senior Superintendent of Police, Etawah has filed his personal affidavit. It is taken on record. Let it be numbered by the office.

Perused the personal affidavit filed by Brijesh Kumar Srivastava, Senior Superintendent of Police, Etawah.

Considering the averments in paragraph nos. 4, 6, 8, 9, 10 and 11, we find the explanation satisfactory.

The show cause notice issued to the Senior Superintendent of Police, Etawah is **discharged** and this part of the matter shall rest here. No further action need be taken in the matter.

Order on Criminal Misc. Bail Application No. 5 of 2026

This application has been made, seeking bail pending appeal, a liberty that the fourth applicant-appellant, Virendra Kumar @ Chunni was enjoying until 13.01.2026, when he himself appeared before the Court in compliance with the non-bailable warrant of arrest and was sent to jail.

The submission of learned Counsel for the applicant-appellant is that he did not have information of the warrants issued and as soon as he came to know, he appeared voluntarily before this Court. It is also argued that he is residing in Delhi with his wife and children. He has also given an undertaking in paragraph no. 7 of the affidavit filed in support of the bail

application that he will attend in person or through Counsel on each date before this Court, when this appeal comes up for hearing.

Learned Additional Government Advocate has opposed the bail plea.

Considering the totality of the circumstances and the fact that the fourth applicant-appellant has been on bail for a considerable period of time and generally not misused the liberty, the fact that his remand to judicial custody was necessitated, apparently by the communication gap between him and learned Counsel representing him in this Court, we find it to be a fit case for bail.

The bail application is **allowed**.

Let the fourth applicant-appellant **Virendra Kumar @ Chunni**, convicted in Sessions Trial No. 125 of 1988, under Section 302/34 I.P.C., Police Station Acchalda, District Etawah, be released on bail on furnishing personal bond and two sureties each in the like amount to the satisfaction of the learned Chief Judicial Magistrate, Etawah, subject to the following conditions :

1. The applicant will appear before the Court of the learned Chief Judicial Magistrate, Etawah once every month, which shall be the third Saturday. If the third Saturday happens to fall on a public holiday and the Court is not functioning, he will attend the learned Chief Judicial Magistrate's Court on the next working day. The Chief Judicial Magistrate shall record his presence and maintain a record of his attendance.
2. The applicant shall ensure that learned Counsel appearing for him appears at the hearing of this appeal or to whichever date it is adjourned, without fail.

Order on Appeal

Let the learned Sessions Judge, Etawah submit a report relating to reconstruction of record within three days. In this connection, the earlier order dated 06.01.2026 shall be complied with.

List on **27.01.2026**.

To be taken up in the cause list of the day as the **second case**.

Let this order be communicated to the learned Sessions Judge, Etawah, the learned Chief Judicial Magistrate, Etawah and the Senior Superintendent of Police, Etawah through the learned Chief Judicial Magistrate, Etawah by the Registrar (Compliance) **today**.

(Vinai Kumar Dwivedi,J.) (J.J. Munir,J.)

January 20, 2026
Shubham