



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2445 of 1986

Chunna And Others

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s) : Ashish Kumar, Ambreen Masroor, K. Sahai, Sadrul Islam Jafri
Counsel for Respondent(s) : A.G.A.

Court No. - 76

HON'BLE NAND PRABHA SHUKLA, J.

Order on Criminal Misc. Second Bail Application

1. Heard Sri N.I. Jafri, learned Senior Counsel assisted by Sri Ambreen Masroor, learned counsel for the appellant no.2 and learned A.G.A. for the State and perused the record.
2. The instant Bail Application under Section 430(1) of B.N.S.S. in the pending present criminal appeal under Section 415(2) of B.S.S.S. has been filed with a prayer to release the **appellant no.2 Aiyub** on bail in Session Trial No.27 of 1985 (State Vs. Chunna and others), under Section 393 read with Section 398 IPC and Section 25 of Arms Act, Police Station Kharkhoda, District Meerut, during the pendency of the present criminal appeal.
3. It has been submitted by learned counsel for the appellants that, in pursuance of the order passed by this Court dated 01.08.2016, a non-bailable warrant was issued against Appellant No. 2, Aiyub, pursuant to which he was arrested and sent to jail. It is further submitted that applicant no. 2 did not misuse the liberty of bail after being released on bail. It is next submitted that the applicant no.2 is aged about 64 years.
4. Per contra, learned A.G.A. opposed the prayer for bail, but could not dispute the aforesaid facts.
5. Considering the fact that the appellant no.2 Aiyub is languishing in jail since 26.08.2025 and there is nothing on record to demonstrate that if the appellant is enlarged on bail, would affect the final hearing of the appeal.
6. Let the **appellant no.2-Aiyub** be released on bail in the above case on furnishing personal bonds and two heavy sureties each in the like amount to the satisfaction of the court concerned, subject to furnishing undertaking that he will co-operate in the hearing of the appeal.

7. Half of the fine to be deposited before filing of the bail bonds.

8. On acceptance of bail bonds, the concerned Court shall transmit photostat copies thereof to this Court for being kept on the record of this appeal.

Order on Appeal

1. No one has appeared on behalf of appellant no.2.

2. Issue notice to the surviving appellant No.1 Chunna to engage another counsel through C.J.M. concerned otherwise Court will proceed to appoint amicus curiae to decide the appeal.

3. As per office report dated 29.01.2026, the name of appellant no.3 is mentioned as Mahesh @ Ramesh @ Ramu @ Suresh son of Shiv Charan.

4. As per said report, Mahesh, Ramesh @ Rammu and Suresh are three real brothers and sons of late Shiv Charan, wherein Mahesh is residing at Suratgarh Rajasthan, Ramesh has died and Suresh is mentally ill health.

5. From the statement of the accused recorded under Section 313 Cr.P.C., actual accused is Mahesh, who is residing at Suratgarh Rajasthan.

6. Non-bailable warrant has already been issued against appellant no.3 Mahesh, has not been executed against him till date.

7. The Commissioner of Police, Meerut is directed to ensure the non-bailable-warrant against applicant no.3, who is residing at Suratgarh Rajasthan be executed and his bail bonds be produced by the court concerned.

8. List this matter on 18.03.2026.

February 5, 2026
Mini

(Nand Prabha Shukla,J.)