



2026:AHC:110488

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5023 of 2026

Shakeel @ Sageer

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Deepak Yadav, Suresh Kumar Singh,
Vandana Rai

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

Court No. - 66

HON'BLE SAMEER JAIN, J.

1. Heard Sri Dharmendra Kumar Srivastava, Advocate holding brief of Sri Deepak Yadav, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.748 of 2025, under Sections 303(2), 317(2), 317(4) and 112 BNS, Police Station Iglas, District Aligarh, during pendency of the trial.

3. Learned counsel for the applicant submits, however, as per allegation applicant was e-rickshaw driver and he committed theft of Rs.12,500/- from the purse of the informant and Rs.3200/- were also recovered from his possession but entire allegation of theft made against the applicant are totally false.

4. He further argued, apart from the present case applicant is having criminal history of ten other cases but his criminal history has been duly explained and except one case all the other cases were of theft and this fact clearly suggests that merely on the basis of previous criminal history, police during investigation, implicated him in the present matter.

5. He further argued, even entire criminal history of the applicant has been duly explained in the instant bail application.

6. He further submits, all the alleged offences are triable by Magistrate

with maximum punishment of seven years and in the present matter applicant is in jail since 29.11. 2025 that is for last more than five months.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, as per allegation applicant committed theft of Rs.12,500/- of the informant and even Rs.3200/- were recovered from his possession and apart from the present case applicant is also having criminal history of ten other cases but all the alleged offences are triable by Magistrate with maximum punishment of seven years. Further, even entire criminal history of the applicant has been explained in the instant bail application.

10. In view of this Court, considering the nature of allegation made against the applicant and maximum punishment provided for the alleged offences, it is not proper to withhold the instant bail application merely on the basis of criminal history of the applicant.

11. Further, even in the present matter applicant is in jail since 29.11.2025 i.e. for last more than five months.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

14. Let the applicant - **Shakeel @ Sageer** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

May 5, 2026
S.A.