



2026:AHC:55408

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8137 of 2026

Abhishek

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Ashok Kumar Singh, learned counsel for the applicant, 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 in Case Crime No.223 of 2025, under Sections-310(2), 317(2) of BNS, Police Station-Purkaji, District-Muzaffarnagar, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that applicant was not named in the FIR. Subsequently on the basis of recovery of a motorcycle from the joint possession of four accused persons including the applicant, he has been falsely implicated, though, applicant has not been identified by the victim as the person who has snatched away his motorcycle and mobile phone. It is further submitted that the applicant has no criminal history. He further submitted that co-accused Bharat having similar role to that of the applicant, has been enlarged on bail by this Court in Criminal Misc. Bail Application No.7077 of 0226 vide order dated 25.01.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. He further submitted that the applicant has no criminal history and he is languishing in jail since 13.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
4. Per contra, learned A.G.A. vehemently opposed the prayer for bail but could not dispute the parity of the applicant with co-accused Bharat, who has been enlarged on bail by this Court.
5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail and keeping in view the nature of offence, evidence, complicity of 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 present application is **allowed**.

6. Let the applicant- **Abhishek** 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 e-prison portal 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**.

March 18, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)