



2026:AHC:106085

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26728 of 2025

Mohd. Asad Alias Asaad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sameer Khan, Shashi Kant Shukla
Counsel for Opposite Party(s): Chandra Kant Bharadwaj, G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Shashi Kant Shukla, learned Senior Counsel assisted by Sri Sameer Khan, learned counsel for the applicant and Sri Roopak Chaubey, learned AGA-I appearing for the State respondents.
2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 732 of 2021, under Sections 147, 148, 149, 323, 504, 506, 307, 308, 386, 427, 120B IPC and Section 3/25 Arms Act, registered at Police Station Kareli, District Prayagraj, during pendency of the trial.
3. It has been argued by the learned Senior counsel for the applicant that applicant is innocent and he has been falsely implicated in this case and he has been languishing in jail for the last three years and the trial is not likely to be concluded in near future as only two witnesses have been examined so far. It is further submitted that no one has received injuries of fire arm in the alleged incident and six co-accused Awez Ahamad@Golu, Mohd. Aman, Mohd. Arif@Kachauli@Kachhauili, Fullu@Kullu@Nabi Anwar, Mohd Saif@Maya, Fahad@Wasiurrahman and Imran Guddu have already been granted bail by different co-ordinate

Benches of this Court. It is further submitted that role of the applicant is not distinguishable from the role of above co-accused persons. It is further submitted that thought the applicant is having criminal history of 18 case, however, 11 cases have been filed against the applicant after he was arrested and only 7 cases have been lodged prior to the present case. It is further submitted that the first informant is also having criminal history of 19 cases and the first informant is close relative of late Atiq Ahmad, father of co-accused Ali and the applicant and the first informant were partners in real estate. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned AGA-I has opposed the prayer for grant of bail and it is submitted that bail application of the similarly placed co-accused Ali has been rejected by this Court and the applicant cannot derive parity from 6 co-accused who have been granted bail by this Court as they are not threat to the society as the applicant remained absconded for two years and he was arrested in the year 2023 and present FIR has been lodged in the year 2021 and after his arrest he has been regularly threatening the witnesses of different cases registered against him as well as the witnesses of the present case and if he is released on bail, he will tamper with the evidence and he will threaten the witnesses of the present case and fair trial will be impossible as the witnesses will be under threat.

5. As per the allegation in the FIR, co-accused Ali and some named and 15 unknown persons are said to have surrounded the first informant and co-accused Ali is said to have put pistol on ear lobe of the first informant and extortion money of Rs. Five Crore is said to have been demanded by the accused persons, however, no one is said to have received injury in the alleged incident. Six co-accused Awez Ahamad@Golu, Mohd. Aman, Mohd. Arif@Kachauli@Kachhauri, Fullu@Kullu@Nabi Anwar, Mohd

Saif@Maya, Fahad@Wasiurrahman and Imran Guddu have already been granted bail by difference co-ordinate Benches of this Court, however, the applicant is said to have absconded for two years before he was arrested and it has been submitted by the learned AGA-I that the applicant has been regularly threatening the witnesses of different cases registered against him as well as the witnesses of the present case, therefore, his release would be detrimental to the fair trial and if he is released on bail, he is likely to tamper with the evidence and one of the factors which is required to be looked into by Court while granting bail is whether the applicant will tamper with the evidence or not. Learned AGA-I has submitted that two FIRs have been lodged after his arrest for threatening the witnesses from jail in the cases registered against him.

6. In view of the facts and circumstances of the case and also taking note of the fact that release of the applicant on bail may be detrimental to fair trial as he is habitual offender and he is threatening the witnesses from inside the jail and also considering the nature of the allegations levelled against the applicant and other attending facts and circumstances of the case and without expressing any opinion on its merit, no case for grant of bail is made out.

7. Present application is accordingly **dismissed**.

8. However, the learned trial Court is directed to expedite the trial of the case as expeditiously as possible, preferably within a period of nine months. In case, the trial is not concluded within the stipulated time, the applicant shall be at liberty to approach this Court again from grant of bail.

May 7, 2026
Abhishek

(Jitendra Kumar Sinha,J.)