



2026:AHC:57303

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42920 of 2025

Mohammad Gulam Gaus

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajeev Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant, Sri Arimardan Yadav, learned AGA for the State-Respondent and perused the record.

This bail application has been moved on behalf of accused-applicant seeking enlargement on bail in Case Crime No. 242 of 2025, under Sections 318(4), 338, 61(2), 336(2) of the B.N.S. and Section 66-D of the I. T. Act, Police Station Pali Mukeempur, District Aligarh.

Learned counsel for the applicant argued that the accused-applicant is innocent and he has been falsely implicated in this case crime number. Learned counsel for the applicant submits that co-accused persons namely Ashish @ Ashu, Jai Subhash alias Samar alias Mahendra Veer alias Aman and Pankaj Kumar Yadav have already been released on bail vide orders dated 23.02.2026, 11.03.2026 and 26.02.2026 passed in Crl. Misc. Bail Application No. 45967 of 2025, 39399 of 2025 and 121 of 2026, respectively, and applicant is seeking parity. The F.I.R. has been lodged against one unknown person. He submits that the Investigating Officer could not collect any credible evidence against the applicant. He submits that there is no independent witness of the alleged incident. The applicant is languishing in jail since 17.10.2025. He submits that the applicant has no criminal antecedent. He submits that there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, the bail has been prayed for.

Learned counsel for the AGA has vehemently opposed, but could not

dispute the aforesaid fact raised by learned counsel for the applicant.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima-facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the ***accused-applicant, Mohammad Gulam Gaus, involved in above mentioned case crime number be released on bail***, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

March 19, 2026

Vibha Singh