



2025:AHC:175433

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 28213 of 2025

Neeraj Dua

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dinkar Lal, Swetashwa Agarwal
Counsel for Opposite Party(s) : G.A., Mahendra Kumar Singh Chauhan

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Swetashwa Agarwal, learned counsel for the applicant and Sri Mahendra Kumar Singh Chauhan, learned counsel for the informant as well as Ms. Ifrah Islam, learned State Law Officer for the State and perused the record.
3. Applicant seeks bail in Case Crime No.22 of 2021, under Sections 323, 352, 504, 506 and 308 I.P.C., Police Station Kasna, District Greater Noida (Commissionerate Gautam Budh Nagar), during the pendency of trial.

PROSECUTION STORY:

4. The applicant alongwith co-accused person Varun Dua is stated to have assaulted and caused injuries to the friend of the informant Sachin Wadhwa on 14.01.2021 at about 4:45 p.m.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case.
6. The FIR is delayed by about seven hours and there is no explanation of the said delay caused. The allegations are *per se* false. The main role of assault to the injured person has been assigned to co-accused person Varun Dua. Even otherwise, the injuries are simple in nature. The case is

punishable below seven years.

7. The injury report of the injured person indicates that the doctor was told by the patient that he was having testicular pain as he was subjected to trauma. The said injury has been observed by the doctor three times, but there is no visible injury seen by the doctor conducting the medical examination of the victim on his private part.

8. Much reliance has been placed on the ultrasound report, which categorically indicates that there was minimal to mild hydrocele in the scrotum of the victim which may be caused by any other reasons in addition to being subjected to any kind of trauma.

9. The statements of the witnesses have been recorded and even the statement of the injured person recorded as PW-2 during trial indicates that it was co-accused person Varun Dua who had assaulted him on his vital part, as such, the case of the applicant is at a different footing to the co-accused person Varun Dua.

10. The applicant was granted bail by the trial court itself in light of judgment of the Supreme Court passed in **Satender Kumar Antil Vs. Central Bureau of Investigation and Ors., 2022 INSC 690**, but subsequently the said bail was rejected by Co-ordinate Bench of this Court vide order dated 27.2.2025 passed in Criminal Misc. Bail Cancellation Application No.297 of 2024.

11. The applicant had challenged the said order by filing Petition for Special Leave to Appeal (crl.) No.3515 of 2025 and the Supreme Court was pleased to dismiss the said S.L.P. and the order of the High Court remained intact.

12. The said bail granted to the applicant was rejected on the ground that the applicant had threatened the witnesses. The apprehension in the mind of the prosecution stands vilified from the fact that already their statements have been recorded. The case is likely to be fixed for defence evidence and the applicant has every right to prepare his defence.

13. The applicant is languishing in jail since 10.03.2025, as such, he is incarcerated for more than six months. There is no criminal history of the applicant except the said N.C.R. instituted by the informant and the

witnesses against the applicant and he has not been summoned in the said case. There is another criminal history of the applicant under Section 406 I.P.C., in which he has been granted anticipatory bail. The said order has been appended to the bail application. He is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

14. The applicant has misused the liberty of bail granted to him and had threatened the witnesses and on that basis this Court had set-aside the bail granted to the applicant earlier on by a speaking and detailed order in Criminal Misc. Bail Cancellation Application No.297 of 2024 vide order dated 27.2.2025 and the said order stood affirmed by the Supreme Court.

15. The statement of the accused under Section 351 B.N.S.S. has already been recorded, as such, the applicant is not entitled for bail.

CONCLUSION:

16. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and the fact that the role of causing the injury on the vital part of the victim has been assigned to co-accused person Varun Dua and not the applicant coupled with the fact that already the statement of the witnesses have been recorded and there is no apprehension of applicant tampering with evidence, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

17. Let the applicant- **Neeraj Dua** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

18. In case of breach of any of the above conditions, it shall be a ground for

cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

19. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

September 26, 2025
(Ravi Kant)