



2025:AHC:178125

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33090 of 2025

Dilshad @ Dinshad Ahmad @ Dilshad Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sunil Vishal Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant; learned AGA for the State and perused the material placed on record.

2. The instant bail application has been filed on behalf of the applicant **Dilshad @ Dinshad Ahmad @ Dilshad Khan** with a prayer to release him on bail in Case Crime No.737 of 2020, under Sections 419, 420, 323, 504, 467, 468, 384, 506 and 471 IPC, Police Station Cantt., District Varanasi, during pendency of trial.

3. Learned Learned counsel for the applicant in support of his prayer for bail submits that the applicant is innocent and he has been falsely implicated in the present case. It is also submitted that the co-accused Irshad Ahmad, Shamshad Ahmad Khan, Khursheed Ahmad Khan, Parvez Ahmad, Aiyaz Ahamd and Waseem Ahmad having identical role have already been granted bail/anticipatory bail by this Court vide orders dated 07.03.2025, 02.09.2025, 23.06.2025, 24.03.2021, 07.04.2021 and 04.04.2023 passed in Criminal Misc.Anticipatory Bail Application Nos.11245 of 2023, 6890 of 2025, 2614 of 2025, Criminal Misc. Bail Application No.4907 of 2021, Criminal Misc.Anticipatory Bail Application No.3599 of 2021 and Criminal Misc. Bail Application No.15051 of 2023 respectively, therefore, the applicant is also entitled to be released on bail on the ground of parity. The applicant is in jail since 14.08.2025. The applicant has criminal history of nine cases which have been explained in para-20 of the bail application. In case, the applicant is released on bail, he will not misuse the liberty of bail.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant

by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

5. Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant; period of detention in jail, keeping in view uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, **bail application is allowed.**

6. Considering the dictum of Apex Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 LawSuit (SC) 677***, considering 5-6 times overcrowding in jails over and above their capacity by under trials and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing a personal bond and **two heavy sureties** each in the like amount to the satisfaction of the court concerned with the following conditions that :-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A I.P.C./269 B.N.S.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C./84 B.N.S.S. is issued and the applicants fail to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A I.P.C./209. B.N.S.

(v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii)

recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

8. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

October 8, 2025

Asha

(Santosh Rai,J.)