



2025:AHC:175164

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33614 of 2025

Salman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vishveshwar Mani Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant today is taken on record.
2. Heard Sri Vishveshwar Mani Tripathi, learned counsel for the applicant and Sri Pranshu Kumar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 284 of 2025, under Sections 137(1)B, 61(2), 319(2), 318(4), 338, 336(3), 340(2), 351(3), 3(5) of BNS and Sections 75, 80, 81 of Juvenile Justice Act, Police Station Noorpur, District Bijnor, during the pendency of trial.
4. As per prosecution story, the applicant and other officials of the hospital and three doctors namely Dr. Javed, Dr. Reena Chaudhary, Dr. Mahar Singh and one nurse Vandana are stated to have abducted son of the informant and sold him off to some one else.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence.
6. Learned counsel has next stated that the allegations are per se false. The FIR itself is delayed by three months and five days and there is no explanation of the said delay caused. The applicant is a petty employee of the hospital and has nothing to do with the said offence.
7. It is next stated that subsequently, statements of two persons namely Priyata Agrawal and Ravi Agrawal were recorded by the Investigating

Officer from whose possession the said baby was recovered and they had stated that they were given the said boy as adopted son by one Gopal who instead had taken the son from the parents of the victim. The allegations stand falsified from the fact that even informant has been made an accused subsequently by the Investigating Officer.

8. The criminal history of one case assigned to the applicant has been explained. The applicant is languishing in jail since 24.08.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned A.G.A. has vehemently opposed the bail application.

10. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record and taking into consideration the delay in institution of the FIR, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

12. Let the applicant- **Salman**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant shall not tamper with the 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.

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

14. 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

Sumit S