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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1948 of 2026

Virendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pranav Tiwary, Sachin Kumar, Sanjeev Kumar, Sr. Advocate, Umesh Chandra Shukla
Counsel for Opposite Party(s)	:	Arun Kumar, G.A., Rajrshi Gupta

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Manish Tiwary, learned Senior Advocate, assisted by Sri Sanjeev Kumar, learned counsel for the applicant, Sri Arun Kumar, learned counsel for the first informant and Sri Ram Kumar Verma, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 287 of 2025, under Sections-191(2), 103(1) and 61(2) of BNS, 2023, Police Station-Naugawan Sadat, District-Amroha, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that an accident occurred on 30.08.2025 in which the deceased suffered injuries. Subsequently, he was brought to hospital by one Akash as well as his wife Babita where he died. After his death, medico legal report was also prepared which shows the cause of death is road traffic accident. In G.D. entry of the police dated 30.08.2025, the aforesaid incident was also mentioned as road traffic accident by an unknown vehicle and inquest was also conducted on 30.08.2025 wherein the first informant was the eyewitness of the inquest, therefore postmortem was also conducted on 30.08.2025 on the application of the first informant mentioning therein that the deceased died in an accident, his postmortem was necessary to be conducted in the night itself. Thereafter, the FIR was lodged on 08.09.2025 wherein the allegation has been made that the present applicant as well as other co-accused persons have dashed the scooty of the deceased thereby knowingly killed him. During investigation, several eye witnesses were examined, who stated that they had seen one Bolero Car hitting the deceased from behind and thereafter, the deceased was

seriously injured and his family members also came on the spot and they brought him to the hospital. The CCTV footage also shows that one Bolero Car was going in the direction of the scooter of the deceased along with two motor cycles.

4. Learned counsel for the applicant has submitted that as per the CDR report itself the location of the applicant was to be found in the village at the time of incident. It was submitted that lodging of the FIR by the first informant after almost nine days itself creates doubt over the prosecution story as the first informant himself was a witness of inquest. It is further submitted that the CCTV footage does not show that the applicant was actually driving the Bolero car involved in the accident, he has been falsely implicated having inimical relation with the family of the deceased without there being any incriminating material against him. It is also submitted by the applicant that neither in the FIR nor in the statement of any of the witnesses, the registration number of the Bolero car was mentioned, only it is mentioned that Bolero car was having U.K. number. It is further submitted that the applicant has explained the criminal history of six cases in the accompanying affidavit. The applicant is a law abiding citizen and he is languishing in jail since 23.09.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. *Per contra*, learned counsel for the first informant has submitted that the deceased before his death has informed his wife, Babita that applicant after hitting him with his Bolero car again ran over the same upon him. It is further submitted that deceased received 11 injuries which cannot be caused by simply an accident. It is further submitted that the alleged Bolero car was recovered from the possession of the applicant as same was identified on the basis of CCTV footage.

6. Learned A.G.A. has also adopted the arguments of learned counsel for the first informant.

7. Considering the aforesaid submission and on perusal of record, it is clear that the applicant was not identified clearly in CCTV footage as the person who was driving the vehicle in question and the eyewitnesses did not state that the applicant after hitting the deceased again ran over the vehicle on the deceased, coupled with non-identification of the vehicle number as well as the fact that

applicant's location was found to be at his home at the time of incident and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Virendra Singh**, involved in the aforementioned 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, with the following conditions:-

- i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

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

11. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through **Bijnor Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

May 18, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)