



2026:AHC:187055

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 13279 of 2026

Aman @ Ikram

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Suresh Kumar Maurya

Counsel for Opposite Party(s) : G.A., Mohit Kumar Singh, Sujata Choudhary

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Rajat Sonkar, Advocate, holding brief of Sri Suresh Kumar Maurya, learned counsel for the applicant, Ms. Sujata Choudhary, counsel for the first informant, Sri Rakesh Kumar Mishra, 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 during trial in Case Crime No. 207 of 2025, under Section 103(1), 315 of B.N.S., Police Station Lohiyanagar, District Meerut.
3. This matter was heard on 22.04.2025. On that date, the counsel for the applicant submitted that the applicant was not named in the FIR; subsequently merely on the basis of recovery of one mobile phone as well as cloth of the applicant, wherein the Sim card of the deceased was found, the applicant has been implicated, though there is no videography of the recovery in compliance of Section 105 BNSS. Considering the submissions, the Court directed the learned A.G.A. to produce the pen drive of the videography of the recovery made on the pointing out of the applicant in compliance of Section 105 BNSS.
4. In compliance of the order dated 22.04.2025, the learned A.G.A. has produced instructions signed by concerned police officer Sumit Tomar, Police Station Lohiyanagar, District Meerut, wherein it is clearly mentioned that though in the recovery memo dated

05.04.2025, it has been mentioned that videography of the recovery was conducted by the In-charge Inspector, Vishnu Kumar Gautam, who has been transferred to Police line but no such video or any entry in the C.D. has been found in the record.

5. Above instructions clearly shows that not only incorrect preparation of the recovery memo but also doubt over the entire prosecution story as well as malafide intention on part of the earlier I.O. Vishnu Kumar Gautam.

6. The above, negligence on part of the In-charge Inspector, Vishnu Kumar Gautam is required to be examined by the higher officials, therefore, the S.S.P., Meerut is directed to conduct inquiry against the then In-charge Inspector, Vishnu Kumar Gautam regarding malafide intention as well as negligence in preparation of the recovery memo on pointing out of the applicant, in which he incorrectly mentioned the conducting the videography of the recovery, though no such entry was found in the C.D. or any videography in pen-drive or compact drive.

7. Counsel for the applicant submitted that the applicant was not named in the FIR. The applicant has not committed any offence. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 05.04.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

8. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

9. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties; taking into account that the applicant was not named in the FIR, he has been implicated on the basis of recovery of one mobile phone and a Sim card, also taking into account that neither there is any public witness nor there is any videography of the recovery and keeping in view the nature of

offence, evidence, complicity of accused 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. Accordingly, the bail application is **allowed**.

10. Let the applicant- **Aman @ Ikram** 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.

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

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

13. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

14. 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.

15. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or on e-prison portal and Trial Court via e-mode 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** as well as **Pila Pahan @ Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on 29.05.2026.

16. **Registrar (Compliance)** is directed to communicate this order to the S.S.P., Meerut for compliance.

(Arun Kumar Singh Deshwal,J.)

September 8, 2026

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