



2026:AHC:55405

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 28113 of 2025

Chavindra Alias Machchhar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Parvish Kumar, Shamsheer Singh
Counsel for Opposite Party(s)	:	Amit Rai, G.A.

Court No. - 66
(Sl. No.63 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shamsheer Singh, learned counsel for the applicant, Sri Amit Rai and Sri Sunil, learned counsels for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 66 of 2025, under Sections 103(1) BNS and 4/25 Arms Act, Police Station Budhana, District Muzaffar Nagar, during the pendency of trial.
4. As per prosecution story, the applicant carried enmity towards the family of the informant, as such, he had committed murder of his son, whose dead body was recovered on 19.2.2025 at about 2.00 am from a crematorium, which is about 200 meters from his house.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by more than six hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that admittedly, the informant is not an eye-witness. He has only made the allegations of enmity between the applicant and the family of informant. The statement of informant examined as PW-1 has been recorded in Court and he has not

given any ocular account of the incident. The statement of another witness has been recorded as PW-2 and she has also corroborated the prosecution story regarding motive only.

7. Learned counsel has next argued that it is a blind murder case. The applicant and the deceased person both are stated to have attended a marriage ceremony in the night and had some liquor. Both being in an inebriated state, are stated to have left the ceremony and were seen thrice moving about in the vicinity. The said fact was recorded in the cctv footage. In one of the said cctv footage, the applicant is visible going towards the place of recovery of the dead body and the applicant was subsequently seen returning in the said cctv footage. The said footage is not conclusive as the applicant is not seen having carried any weapon, whatsoever, as such, he is entitled for bail, as he has been implicated on the basis of suspicion only.

8. There is no criminal history of the applicant. The applicant is languishing in jail since 22.2.2025 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. and learned counsel for the informant have vehemently opposed the bail application on the ground that the applicant was visible in the cctv footage and the circumstances as already emanating out from the said cctv footage, which indicates that the applicant had gone with the deceased person towards the place of recovery of the dead body and he returned and it was true that both were in an inebriated state.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that both the deceased and the applicant were drunk and the FIR being delayed by more than six hours from the time of the incident, coupled by the fact that there is no eye-witness account of the incident and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Chavindra Alias Machchhar**, 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 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.

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

13. 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.)

March 18, 2026

Shalini