



2026:AHC:194872

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33112 of 2026

Vikash @ Tillar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mayank Yadav, Sunil Vashisth
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sl. No. 79 out of 291)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. IInd Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Sunil Vashisth, learned counsel for the applicant and Sri Anand Prakash Dubey, learned counsel for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the record.
3. This is the third bail application filed on behalf of the applicant seeking bail in **Case Crime No. 506 of 2025, under Sections 126(2), 352, 115(2), 103(1), 3(5), 61(2) of BNS and Sections 3/25/27 of Arms Act, Police Station- Sardhana, District - Meerut**, during the pendency of trial.
4. The first and second bail applications of the applicant were rejected by this Court vide orders dated 20.03.2026 and 05.08.2026 passed in Criminal Misc. Bail Application Nos. 1658 of 2026 and 27101 of 2026, respectively.
5. As a new ground for bail, learned counsel for the applicant has submitted that subsequent to the rejection of the earlier bail application vide order dated 05.08.2026, two more prosecution witnesses, namely PW-4 and PW-5, have been examined before the Trial Court. It is contended that both witnesses resiled from their previous statements and failed to support the prosecution story, prompting the Public Prosecutor to cross-examine them after declaring them hostile. On this strength, it is argued that there is no remote likelihood of the applicant's conviction in the present case.
6. Learned counsel further submits that the testimonies of PW-1, PW-2, and PW-3 are unreliable. PW-1 is admittedly not an eye-witness to the

occurrence, whereas PW-2 and PW-3 are merely related and chance witnesses whose depositions do not inspire confidence. It is also urged that the applicant has been languishing in judicial custody since 09.08.2025, and this protracted incarceration of about thirteen months constitutes an infraction of his fundamental right to a speedy trial as enshrined under Article 21 of the Constitution of India. It is assured that if the applicant is enlarged on bail, he will not misuse the liberty of bail and shall strictly cooperate with the trial.

7. *Per contra*, learned counsel for the informant has vehemently opposed the bail application, pointing out that three material witnesses, namely, PW-1, PW-2, and PW-3 have fully supported the prosecution case and actively deposed against the applicant. It is further submitted that PW-4 and PW-5 were examined on 1.7.2026 and 6.7.2026 respectively, which dates visibly predate the earlier rejection order passed by this Court on 5.8.2026. Consequently, it is argued that their turning hostile does not constitute a fresh ground subsequent to the earlier order, and the applicant is not entitled to the discretionary relief of bail within a mere span of one month from the previous rejection.

8. Learned AGA has also opposed the bail application, contending that the criminal history attributed to the applicant has not been properly explained, as the applicant has failed to append the relevant bail order of one of the criminal cases with the affidavit filed in support of the current bail application.

9. Considering the facts and circumstances of the case, the submissions advanced by the learned counsel for the parties, and taking into active consideration the fact that three material prosecution witnesses have clearly deposed against the applicant, coupled with the fact that the trial is progressing expeditiously with five witnesses already examined by July 2026, this Court is of the view that the period of incarceration of about thirteen months does not outweigh the gravity of the offence and the evidence on record. Looking into the merits, this Court does not find it a fit case to release the applicant on bail.

10. The bail application is, accordingly, **rejected**.

11. However, the Trial Court is directed to decide the aforesaid case expeditiously, in accordance with law, if there is no legal impediment.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

13. The Registrar (Compliance) is directed to communicate this order to the Trial Court concerned forthwith for necessary information and compliance.

September 16, 2026

Siddhant

(Krishan Pahal,J.)