



2026:AHC:55342

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44358 of 2025

Shadab Ahmad @ Saddam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Kumar Ashutosh Srivastava, Ritesh
Kumar Srivastava

Counsel for Opposite Party(s) : G.A., Phool Singh Yadav

Court No. - 66

(Sr. No.31 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.101 of 2025, under Sections 103(1), 352 BNS, Police Station Jajmau, District Kanpur Nagar, during the pendency of trial.
4. As per prosecution story, the applicant and other co-accused persons are stated to have assaulted the father of the informant on 29.5.2025 at about 02:31 p.m.
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 about eight hours and there is no explanation of the said delay caused. There is no eye-witness account of the incident. The person who had gone with the deceased person to the place of occurrence is stated to be one Akeel, but he ran away from the place of occurrence.
6. Learned counsel for the applicant has further argued that the role of catching hold has been assigned to the applicant in the FIR, but subsequently the CCTV footage was fetched in which the applicant is only seen at the

place of occurrence while he has not played any active part in the incident, as such, he is entitled to bail.

7. It is further argued by learned counsel for the applicant that the active role is stated to have been played by Shahnawaj @ Raja and his brother Shoeb @ Sonu. The criminal history of one case assigned to the applicant has been explained. The applicant is in jail since 30.5.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

8. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the applicant was present at the place of occurrence, as such, he was hand in glove with the co-accused persons and his common intention is but evident from the circumstances.

9. The Supreme Court in ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case of bail is made out.

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 in the CCTV footage the applicant is not visible playing any active role in 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- **Shadab Ahmad @ Saddam**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

12. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

March 18, 2026

Vikas Verma