2026:AHC-LKO:40565

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. BAIL APPLICATION No. - 4030 of 2026

Kaushal

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite Party(s)

Counsel for Applicant(s) : Rajesh Kumar Sharma, Deepali Prajapati, Prabhu Sharan, Rajat Kumar Sharma

Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed by the applicant in F.I.R. No. 60 of 2026, under Sections 109, 115(2) BNS, Police Station Auras, District Unnao with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that it is only a case of accident, but the F.I.R. was lodged on the basis of exaggerated facts alleging that the applicant was pressing the throat of the injured with the intention to kill him. It is vehemently submitted that no such injury is found in the medico legal report. It is also submitted that the injury is simple in nature, but the charge sheet has been filed by the Investigating Officer. It is lastly submitted that in near future, there is no possibility of conclusion of trial and the applicant, who has no criminal antecedent, is in jail since 09.03.2026. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.

4. Learned A.G.A. opposes the prayer for grant of bail to the applicant, but does not dispute the fact that the injuries are simple in nature.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of F.I.R., statement of injured person as well as medico legal report and other relevant documents, it is evident that the simple injuries are found on the body of the injured. In such circumstances, this Court is of the view that the applicant is entitled to be released on bail.

6. Application stands allowed.

7. Let applicant -Kaushal be released on bail in F.I.R. No. 60 of 2026, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 BNS.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 351 BNSS. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

(Rajeev Singh,J.)

June 9, 2026
VKS

Digitally signed by :-
VIVEK KUMAR SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench