HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12098 of 2026

Shamshad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Irfan Ahmad, Mohd Gulam Husain, Mohd. Wasi, Raj Kumar Yadav, Ramesh Chandra Tiwari, Salil Krishna
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Rupak Chaubey, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 42 of 2026, under Sections 64(1), 333, 351(3) B.N.S., Police Station Balua, District Chandauli during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant was not arrested at the spot and has been falsely implicated in the present case owing to certain other disputes between the parties. The informant/victim was a married lady. The applicant has not acted indecently with her. As per the medical examination report, no external injury was present on the body of the victim. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 19.02.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that as per the medical examination report, no external injury was present on the body of the victim. At this stage there is no corroborative evidence to link the applicant with the offence. The

applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than eight months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Shamshad, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 23, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad