2026:AHC:212843

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24968 of 2026

Raju

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar Verma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 43

HON'BLE SIDDHARTH, J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the applicant; learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, **Raju,** with a prayer to release him on bail in **Case Crime No. 78 of 2016, under Sections 411, 413, 467, 468, 471, 420 IPC, Police Station Galshaheed, District- Moradabad,** during pendency of trial.

Learned counsel for the applicant submits that the applicant was granted bail by this Court on 31.08.2020 and had been attending the proceedings before the trial court. However, since 31.03.2021, he could not appear before the trial court as he had gone out of the city to earn his livelihood. Consequently, non-bailable warrants were issued against him. The applicant is in jail since 13.05.2026. It is further submitted that no prosecution witness has been examined so far. The applicant has criminal history of two cases, one of which is of minor nature, while the other is of major nature. In case the applicant is released on bail, he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserves any indulgence. In case the applicant is released on bail he will again indulge in similar activities and

will misuse the liberty of bail.

Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant; keeping in view uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under-trial having fundamental right to speedy; larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 LawSuit (SC) 677,*** *considering 5-6 times overcrowding in jails over and above their capacity by under trials* and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid 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 with the following conditions that :-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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 174-A of the Indian Penal Code.

(v) The applicant shall remain present in person before the Trial Court on

the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. 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.

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

Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

(Siddharth,J.)

October 9, 2026
Ruchi Agrahari

Digitally signed by :-
RUCHI AGRAHARI
High Court of Judicature at Allahabad