2026:AHC:227998

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29762 of 2026

Prashant Yadav @ Tanu

.....Applicant(s)

Versus

State Of Uttar Pradesh Though P.S. Home

.....Opposite Party(s)

Counsel for Applicant(s) : Vineet Singh Parmar
Counsel for Opposite Party(s) :

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vineet Kumar Singh, learned counsel for the applicant and Sri Ashutosh Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.138 of 2026, under Sections 103(1), 238(a), 61(2) BNS, Police Station Sefai, District Etawah, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR alongwith two others but it is a case of circumstantial evidence and except the evidence of last seen and motive there is no cogent evidence against applicant on record.

4. He further submits, even evidence of last seen has been disclosed after 15 days and therefore evidence of last seen prima facie appears to be doubtful.

5. He further argued, motive is double edged weapon which cuts both sides and therefore possibility of false implication of applicant due to previous enmity cannot be ruled out.

6. He next submits, co-accused Ranjeet @ Ajit has been released on bail by this Court vide order dated 24.10.2026 passed in Criminal Misc. Bail Application No.37899 of 2026 and case of applicant is at par with him.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 04.07.2026.

8. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

9. I have heard both the parties and perused the record of the case.

10. However, applicant is named in the FIR but it is a case of circumstantial evidence and except motive and evidence of last seen there is no other evidence against applicant on record. Considering the fact that evidence of last seen has been surfaced after 15 days prima facie this evidence appears to be doubtful. This Court finds merit in the argument advanced by learned counsel for the applicant that motive is double-edged weapon which cuts both sides and possibility of false implication of applicant due to previous enmity at this stage cannot be ruled out.

11. Further, even in considered view of this Court, merely on the basis of above evidence prima facie it cannot be said that applicant committed the murder of deceased.

12. Further, even co-accused Ranjeet @ Ajit has been released on bail by this Court and case of applicant is at par with him.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 04.07.2026 and charge sheet in the present matter has been filed.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

16. Let the applicant - **Prashant Yadav @ Tanu** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. 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.

(Sameer Jain,J.)

November 2, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad