2026:AHC:210080

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35807 of 2026

Ramesh Lodh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pankaj Tripathi
Counsel for Opposite Party(s)	:	G.A., Tripurari Sharan Shukla

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.

2. At the very outset, learned counsel for applicant submits, due to mistake in the prayer clause of instant bail application Section 62(2) BNS has been transcribed in place of Section 61(2) BNS, therefore, he may be permitted to make necessary correction in the prayer clause of instant bail application.

3. Learned AGA as well as learned counsel for informant are having no objection.

4. Considering the submissions made by learned counsel for applicant, he is permitted to make necessary correction in the prayer clause of instant bail application during the course of day itself.

5. Heard Sri Sanjay Kumar Mishra, learned Advocate holding brief of Sri Pankaj Tripathi, learned counsel for the applicant, Sri Tripurari Sharan Shukla, learned counsel for informant and Sri Vijay Kumar, learned AGA-I for the State.

6. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 93 of 2026, under Sections 103(1), 3(5), 61(2) BNS, Police Station Mohana, District Siddharth Nagar during pendency of the trial.

7. Learned counsel for the applicant submits, however, applicant is named in the FIR along with two others but it is a case of circumstantial evidence. He next submits, except suspicion there is no cogent evidence against the

applicant on record which can connect him with the instant crime.

8. He further submits, enmity between both side is admitted and only due to previous enmity without any cogent evidence applicant has been made accused in the present matter.

9. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 20.06.2026.

10. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, it is a case of planned murder and applicant due to previous enmity committed the instant crime and even he was having motive to commit the murder of the deceased but they could not dispute the fact that except suspicion and confessional statement of applicant recorded by the Investigating Officer there is no cogent evidence against the applicant on record. They further could not dispute the fact that applicant is not having any criminal history.

11. I have heard learned counsel for the parties and perused the record of the case.

12. However, applicant is named in the FIR but it is a case of circumstantial evidence and it reflects, except suspicion and confessional statement of applicant and co-accused recorded by the Investigating Officer there is no cogent evidence against the applicant on record. Considering the fact that enmity between both the side is admitted, the reason of his false implication disclosed by learned counsel for applicant prima facie cannot be ruled out at this stage.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 20.06.2026.

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 - Ramesh Lodh 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.

October 7, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad