2026:AHC:208291

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35443 of 2026

Vijay @ Chhotu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Ravi Shankar Tripathi, Shubhankar Tripathi

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ravi Shankar Tripathi, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.280 of 2026, under Sections 103(1), 238 and 61(2) BNS, Police Station Bisauli, District Budaun during pendency of the trial.

3. Learned counsel for the applicant submits that it is a case of circumstantial evidence and however, applicant was not named in the FIR but during investigation very casually Gram Pradhan disclosed the name of applicant and co-accused Rambhan on the ground that applicant was relative of the husband of the deceased, who was named in the FIR and he also involved along with him and co-accused Rambhan in the instant matter.

4. He further argued that except suspicion and confessional statement of the applicant and co-accused recorded by Investigating Officer, till date there is no other evidence against the applicant on record.

5. He further submits that co-accused Rambhan, who was also made accused along with applicant during investigation, has been released on bail by Coordinate Bench of this Court vide order dated 9.9.2026 and his bail order has been annexed at page 81 of the paper book and the case of applicant is at par with him.

6. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 23.7.2026 i.e., for the last more than two months.

7. Per contra, learned AGA although opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

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

9. It is a case of circumstantial evidence and it reflects that during investigation on the basis of suspicion applicant, who is relative of named co-accused Jai Singh, the husband of the deceased, has been made accused in the present matter.

10. It also reflects that till date except suspicion and statements of co-accused and applicant recorded by Investigating Officer, there is no other evidence against the applicant on record.

11. Further, co-accused Rambhan, who was also made accused during investigation along with applicant, has been released on bail by Coordinate Bench of this Court and the case of applicant is at par with him.

12. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 23.7.2026, i.e., for the last more than two months.

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

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

15. Let the applicant-**Vijay @ Chhotu** 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.

16. 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.

17. 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.)

October 6, 2026
SKM

Digitally signed by :-
SHRAVANA KUMAR MISHRA
High Court of Judicature at Allahabad