2026:AHC:212483

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35064 of 2026

Tinku

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Zunaid Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Mohd. Zunaid Khan, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Tinku** to enlarge him on bail in Case Crime No. 234 of 2026, under Sections 310(2), 311, 317(3), 61(2) BNS, P.S.- Hapur Dehat, District- Hapur, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in the FIR dated 02.06.2025 lodged by one Narendra Agarwal with the allegation that some anonymous persons have entered his house with countrymade pistol pointing it on informant, while he, his grand son and chaukidar were present. The informant was robbed of cash and jewellery. It is the contention of learned counsel that the accused/applicant has no criminal history prior to the present case. He has been falsely implicated by the police during investigation, while arresting the accused in police encounter, from him Rs. 2,01,000/-, countrymade pistol and cartridges has been recovered. He submits that the accused/applicant is a son of mason, who still works in the house of the applicant. There is no test identification parade carried out. The arrest and recovery has been made in absence of independent witness. The charge sheet is submitted. The accused applicant is languishing in jail since 08.06.2026. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have

opposed the prayer for bail.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considering that there is no test identification parade carried out during the investigation, no independent witness of arrest and recovery, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 9, 2026
Abhishek Sri.

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad