2026:AHC:207863

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34177 of 2026

Sandeep

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vinod Singh, advocate holding brief of Sri Ashutosh Kumar Pandey, learned counsel for the applicant and Sri Ajay 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.371 of 2026, under Sections 103(1), 238, 3(5) BNS, Police Station Baghpat, District Baghpat, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR alongwith others but it is a case of circumstantial evidence and except one CCTV footage there is no other evidence against applicant on record which can connect him with the instant crime.

4. He next submits, even from the CCTV footage which was procured by the I.O. during investigation it can only be reflected, co-accused Sumit and Yash were taking the dead body of the deceased on a two-wheeler and behind them applicant was also on another two-wheeler and therefore even from the CCTV footage it could not be reflected that applicant involved in commission of the present crime alongwith co-accused Sumit and Yash. He next submits, even the footage of the CCTV was not clear enough to identify the applicant.

5. He next submits, there is no cogent evidence prima facie on the basis of which it can be said that applicant also involved in the present crime. He

further submits, as applicant is friend of co-accused Sumit and Yash therefore he has been made accused in the present matter alongwith them.

6. He next submits, even motive to commit the crime was against co-accused Sumit as according to the prosecution, deceased was having illicit relationship with his wife.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 16.06.2026.

8. Per contra, learned AGA opposed the prayer for bail and submits, however it is a case of circumstantial evidence but from the CCTV footage complicity of the applicant is reflected and as applicant did not explain his presence alongwith co-accused Sumit though on another two-wheeler therefore prima facie it cannot be said that he is innocent. He next submits, even in the present matter applicant is in jail only since June, 2026.

9. He further submits, therefore considering the facts of the case, instant bail application may be dismissed.

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

11. However, applicant is named in the FIR but it is a case of circumstantial evidence. It reflects, during investigation I.O. procured one CCTV footage and from its details which have been noted by the I.O. in the case diary it reflects, co-accused Sumit alongwith co-accused Yash was taking the dead body of the deceased on a two-wheeler and behind them applicant was also seen on another two-wheeler. Considering the alleged footage prima facie it cannot be said that applicant is innocent specially considering the fact that applicant could not explain his presence alongwith co-accused Sumit and Yash.

12. Further, however as per prosecution, deceased developed illicit relationship with the wife of co-accused Sumit therefore co-accused Sumit alongwith applicant and others eliminated him and therefore direct motive to commit the murder was against co-accused Sumit but as

applicant is friend of co-accused Sumit therefore it cannot be said that he was not having any motive to commit the alleged crime.

13. Further, even in the present matter applicant is in jail only since June, 2026.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail at this stage.

15. Accordingly, instant bail application stands **dismissed** at this stage.

16. 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 5, 2026
Shahroz

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