2026:AHC:208432

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35488 of 2026

Sameer Alias Shammi Alias Chutad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Avdhesh Kumar Yadav, Sundeep Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Chandra Bir Singh, learned Advocate filed his power on behalf of informant, today in the Court, which is taken on record.

2. Heard Sri Sundeep Shukla, learned counsel for the applicant, Sri Anuj Mishra, learned Advocate holding brief of Sri Chandra Bir Singh, learned counsel for informant and Dr. S.B. Maurya, learned AGA-I for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 329 of 2026, under Sections 103(1), 3(5) BNS and Section 27 Arms Act, Police Station Lisadi Gate, District Meerut during pendency of the trial.

4. Learned counsel for the applicant submits, FIR of the present case was lodged against unknown persons but during investigation when Investigating Officer recorded the statement of informant then very casually without any evidence he disclosed the name of applicant and co-accused Sufian.

5. He further submits, however, during investigation Investigating Officer collected one CCTV footage and details of the same has been noted by him in the case diary which has been annexed at page-40 of the paper-book and from its perusal it reflects, three persons i.e. applicant, co-accused Sufian and deceased were quarreling and thereafter co-accused Sufian was dragging the deceased and applicant was also coming behind him.

6. He further submits, apart from the above CCTV footage as per prosecution witness Kayan was the eye witness and he stated that on 02.05.2026 he witnessed in the night at about 11.00 PM that two unknown

persons by causing firearm injury committed the murder of the deceased but after perusing the above mentioned CCTV footage he disclosed co-accused Sufiyan caused firearm injury to the deceased. He further submits, therefore, from the statement of this witness and above CCTV footage prima facie it reflects, co-accused Sufiyan was the prime accused.

7. He further submits, even the statement of witness Kayan has been recorded after 40 days and therefore, his statement prima facie appears to be doubtful. He further submits, even statement of this witness is contrary to the above video footage.

8. He further submits, even if from the video footage it reflects, applicant is coming behind co-accused Sufiyan who was dragging the deceased then also it cannot be said that applicant involved in the commission of present crime.

9. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 04.05.2026.

10. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, from the video and statement of witnesses Kayan prima facie it cannot be said that applicant is innocent but they could not dispute the fact that statement of Kayan was recorded after 40 days and even from the footage and his statement prima facie it reflects, co-accused Sufiyan was the prime accused. They also 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. It reflects, nobody was named in the FIR but when the statement of informant was recorded by the Investigating Officer then very casually he disclosed the name of applicant and co-accused Sufiyan.

13. Further, it also reflects, during investigation Investigating Officer collected one CCTV footage and from perusal of the same it reflects, some quarrel was gong on between applicant, co-accused Sufiyan and deceased and thereafter co-accused Sufiyan dragged the deceased and applicant was coming behind them and even apart from the above footage as per witness Kayan applicant came along with co-accused Sufiyan and thereafter co-accused Sufiyan by causing firearm injury committed the murder of the deceased but considering the video and statement of witness Kayan it

reflects, co-accused Sufiyan was the prime accused.

14. Further, as per learned AGA and learned counsel for informant as applicant was continuously along with co-accused Sufiyan, therefore, it cannot be said that applicant is innocent but statement of witness Kayan was recorded after 40 days and even from his statement it reflects, his statement is contrary to the video footage, therefore, prima facie his statement appears to be doubtful.

15. Further, considering the above video footage however it reflects, applicant was coming behind co-accused Sufiyan while he was dragging the deceased but except this no overact has been assigned to him.

16. Further from the video it could not be reflected, applicant anyhow either dragged the deceased or caused any injury to him and merely on the basis of this video prima facie at this stage it cannot be said that applicant also involved in commission of murder of the deceased.

17. Further, applicant is not having any criminal history and in the present matter he is in jail since 04.05.2026.

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

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

20. Let the applicant - Sameer @ Shammi @ Chutad 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.

21. 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.

22. 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 6, 2026
AK Pandey

(Sameer Jain,J.)

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