2026:AHC:210522

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35580 of 2026

Deepak

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajneesh Kumar Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Ms. Shilpy Sharma, Advocate filed her power on behalf of the informant, which is taken on record.

2. Heard Sri C.B. Tiwari, Advocate holding brief of Sri Rajneesh Kumar Upadhyay, learned counsel for the applicant, Ms. Shilpy Sharma, learned counsel for the informant and Sri Kunwar Tejendra Bahadur Singh, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.269 of 2026, under Section 103(1) BNS, Police Station Baghpat, District Baghpat, during pendency of the trial.

4. Learned counsel for the applicant submits, however applicant is named in the FIR but it is the case of circumstantial evidence.

5. He submits, except the evidence of last seen and the fact that as per prosecution, when applicant was arrested then on his pointing out one blood-stained brick allegedly used in the crime was recovered, there is no other evidence against the applicant.

6. He further submits, however, as per the informant applicant and co-accused Vikas had taken the deceased from his home but from the statements of the father of the deceased, it reflects that deceased was sitting along with him and co-accused Vikas had taken him and

considering the statement of the father of the deceased, the evidence of last seen given by the informant prima facie appears to be doubtful.

7. He further argued, entire alleged recovery is false and planted one and even till date the alleged recovered blood stained brick could not be connected with the instant crime.

8. He further submits, in absence of any other corroborative evidence, merely on the basis of above evidence prima facie it cannot be said that applicant committed the murder of the deceased.

9. He further argued, applicant is not having any previous criminal history and in the present matter he is in jail since 3.5.2026 i.e. for last five months.

10. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the arguments on fact advanced by learned counsel for the applicant.

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 the case of circumstantial evidence and it reflects, except the evidence of last seen and recovery of the blood-stained brick on the pointing out of the applicant, there is no other evidence against the applicant on record. As far as the evidence of last seen is concerned, considering the statement of father of the deceased, the statement of the informant and story narrated by him in the FIR, with regard to the last seen evidence, prima facie appears to be doubtful.

13. Further, from the recovery memo it reflects that alleged recovery of brick was made from the place of the incident, which was open place.

14. Further, even till date the alleged recovered brick could not be connected with the instant crime.

15. Further, this Court finds merit in the argument advanced by learned counsel for the applicant that in absence of any other corroborative

evidence, merely on the basis of above evidence, prima facie it cannot be said that applicant involved in the commission of alleged crime.

16. Further, applicant is not having any previous criminal history and in the present matter he is in jail for last more than five months.

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

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

19. Let the applicant - **Deepak** 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.

20. 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.

21. 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
S.A.

Digitally signed by :-
SALMAN AHMAD
High Court of Judicature at Allahabad