2026:AHC:209988

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35874 of 2026

Kamruddin Alias Kammu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Brijesh Kumar Gautam, Shiv Vilas Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shiv Vilas Mishra, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 76 of 2025, under Sections 103(1), 238 BNS, Police Station Hapur Nagar, District Hapur during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is named in the FIR but it is a case of circumstantial evidence. He further submits, during investigation Investigating Officer recorded the statements of some witnesses including Rizwan and they only tried to give the evidence of last seen.

4. He further submits, except the evidence of last seen and recovery of one rope on the pointing out of applicant allegedly used in the crime there is no cogent evidence against the applicant on record.

5. 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.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 05.02.2025 i.e. for last more than one and half years.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute

the argument on facts advanced by learned counsel for the applicant.

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

9. However, applicant is named in the FIR but it is a case of circumstantial evidence and it reflects, except the evidence of last sen and recovery of rope on the pointing out of applicant allegedly used in the crime there is no other evidence against the applicant on record.

10. This Court finds merit in the argument advanced by learned counsel for applicant that 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.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 05.02.2025 i.e. for last more than one and half years.

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

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

14. Let the applicant - Kamruddin @ Kammu 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.

15. 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.

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.

October 7, 2026
AK Pandey

(Sameer Jain,J.)

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