2026:AHC:210725

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34927 of 2026

Sumit Alias Sumit Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Anand Kumar, Nandini, Renu Choukl
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Anand Kumar, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Sumit alias Sumit Gautam** to enlarge him on bail in Case Crime No. 426 of 2026, under Sections 309(4), 317(2) BNS, P.S.- Garhmukteshwar, 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 15.08.2026 lodged by Tanu Goyal, informant with the allegation that on 14.08.2026 at about 20:00 hours, his Munim (clerk) named Ashish Agarwal was going along with the Rs. 2 Lakhs in a bag. His bag has been ropped by two named persons including the accused/applicant and one anonymous person. It is the contention of learned counsel that the FIR is delayed. The accused persons have been arrested on 16.08.2026 and in possession of the accused/applicant a knife and Rs. 32,500/- has been recovered. There is no independent witness of arrest and recovery. The charge sheet is submitted. The accused/applicant has no criminal history. The accused applicant is languishing in jail since 16.08.2026. 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 the arrest and recovery has been made in absence of independent witness, 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 8, 2026
Abhishek Sri.

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