2026:AHC:211010

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 36064 of 2026

Kavita

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Gorakh Yadav |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 69**

**HON'BLE AVNISH SAXENA, J.**

1. Sri Raj Kumar Mishra, learned advocate, holding the brief, appeared for the accused-applicant hands up the supplementary affidavit explaining the criminal history. The same is taken on record.

1A. Heard Sri Mishra, learned advocate, holding the brief, appeared for the accused-applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Kavita** to enlarge her on bail in Case Crime No. 142 of 2026, under Sections 309(4), 317(2) BNS, P.S.- Bhojpur, District- Ghaziabad, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been implicated during investigation in F.I.R. dated 02.08.2026 lodged by one Prempal Baliyan with the allegation against 3-4 anonymous persons that on 28.07.2026, he was one of the passenger in a Maruti Suzuki XL6 Car while on the way the 3-4 passengers, who were sitting in a car, had robbed him of money, jewellery and belongings. Later on, the police on the basis of tip off has arrested Sagar and Shivam, two of the co-accused and there was some recovery from them. It is on the disclosure statement of these two co-accused that the name of the accused-applicant, who is a lady, has been figured out. Further contended that the police has arrested her and there is some ATM cards, which is being recovered. Further contended that the recovery has been made in the absence of independent witness. She has not been shown to be present

in the car. She has been named because she is mother-in-law of the one of the co-accused Raj Pandey. Further contended that there is no incriminating material against the co-accused. The charge sheet is submitted. The applicant has three cases criminal history, in which, in two cases, she is on bail and in one case, she has not been arrested. The applicant is in jail since 19.08.2026 and hence, the applicant seeks to be released on bail.

4. Learned A.G.A. for State has opposed the prayer for bail of the applicant, but could not dispute the aforesaid facts.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considered that the name of the accused-applicant has been figured out from the statement of co-accused and the arrest and recovery has been made in the absence of independent witness.

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**
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad