2026:AHC:209959

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35887 of 2026

Vivek Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Satish Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Satish Sharma, 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. 10 of 2021, under Sections 302 IPC, Police Station Naini, District Prayagraj during pendency of the trial.

3. Learned counsel for the applicant submits, however, as per allegation, applicant by causing injury committed the murder of the deceased and even deceased before his death stated against applicant but post mortem report suggests that deceased did not sustain any visible external injury and he died due to infection in both lungs and therefore post mortem report belies the prosecution case.

4. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 09.01.2021 i.e. for last more than five and half years.

5. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

7. However, applicant is named in the FIR and even it reflects, before death of the deceased Investigating Officer recorded his statement and deceased in his statement stated that applicant made assault upon him through iron rod

but post mortem report suggests that deceased did not sustain any visible injury and he died due to infection in both the lungs.

8. Further, applicant is not having any criminal history and in the present matter he is in jail since 09.01.2021 i.e. for last more than five and half years.

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

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

11. Let the applicant - **Vivek Gautam** 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.

12. 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.

13. 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