2026:AHC:210459

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35745 of 2026

Vikas

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kartikey Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Kartikey Singh, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 143 of 2026, under Sections 103(1), 238, 3(5) BNS, Police Station Baldev, District Mathura during pendency of the trial.

3. Learned counsel for the applicant submits, it is a case of circumstantial evidence and nobody was named in the FIR but during investigation when statements of friends of the deceased were recorded then they very casually stated that applicant is friend of one Brijesh and deceased pressurized the Brijesh to perform marriage with her but Brijesh was not ready for that and he alongwith his friend i.e. applicant and co-accused Vikash committed her murder. He next submits, except suspicion there is no cogent evidence against applicant on record.

4. He next submits, even prime accused of the present case is co-accused Brijesh who was having motive to commit the instant crime.

5. He further submits, along with applicant co-accused Ankush was also made accused during investigation and he has been released on bail by this Court and his bail order has been annexed at page-64 of the paper-book and case of applicant is at par with him.

6. He further submits, apart from the present case applicant is having criminal history of three other cases including one case of murder but in the case of murder he has been made accused during investigation on the basis

of statement of co-accused.

7. He further submits, considering the facts of the case it is not proper to withhold the bail application of the applicant merely on the basis of his previous criminal history.

8. He further submits, in the present matter applicant is in jail since 22.04.2026.

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

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

11. It is a case of circumstantial evidence and during investigation on the basis of suspicion applicant has been made accused and it reflects, except suspicion and confessional statement of applicant recorded by the police there is no cogent evidence against applicant on record.
9. Further, even motive to commit the instant crime was against accused Brijesh and applicant was not having any direct motive to commit the murder of deceased.

12. Further, apart from the present case applicant is having criminal history of three other cases including one case of murder but in the case of murder it reflects, during investigation on the basis of statement of co-accused he has been made accused and in that case he is on bail. Considering the facts of the present case and criminal history of the applicant, this Court finds merit in the argument advanced by learned counsel for applicant that merely on the basis of previous criminal history of applicant it is not proper to withhold his instant bail application.

13. Further, along with applicant co-accused Ankush was also made accused and he has been released on bail by this Court and case of applicant is at par with him.

14. Further, in the present matter applicant is in jail since 22.04.2026.

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

16. Accordingly, without expressing any opinion on the merits of the case,

the instant bail application is **allowed**.

17. Let the applicant - Vikas 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.

18. 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.

19. 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