HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36598 of 2026

Rahul @ Pawan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Kapil Dev Dubey, Pratikdhar Dwivedi, Rahul Kumar

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Pratikdhar Dwivedi, learned counsel for the applicant and Sri Ghanshyam Mishra, learned brief holder for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.99 of 2026, under Sections 103(1), 333, 61(2), 3(5) BNS and Section 3/25/27 Arms Act, Police Station Inchauli, District Meerut, during pendency of the trial.

3. Learned counsel for the applicant submits, it is a case of circumstantial evidence and applicant was not named in the FIR but during investigation co-accused Gulshan has been made accused and when I.O. recorded his statement then he disclosed name of applicant.

4. He further argued, apart from the statement of co-accused and confessional statement of applicant recorded by the I.O. as per prosecution, when applicant was arrested then on his pointing out one country-made pistol was recovered. He next submits, except above evidence there is no other evidence against 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 involved in commission of the present crime alongwith others particularly considering the fact that recovery of the country-made pistol was made from an open place which was accessible to all and till date the

alleged recovery country-made pistol could not be connected with the instant crime.

6. He next submits, even co-accused Gulshan has been released on bail by this Court vide order order dated 08.10.2026 passed in Criminal Misc. Bail Application No.34973 of 2026 and case of applicant is at par with him.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 03.04.2026 i.e. for last more than six and half months.

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

9. I have heard learned counsel for respective parties and perused the record.

10. It is a case of circumstantial evidence and applicant was not named in the FIR. It reflects, his complicity was revealed through the statement of co-accused Gulshan recorded by the I.O. It further reflects, apart from the statement of co-accused and confessional statement of applicant recorded by the I.O, as per prosecution, on the pointing out of applicant one country-made pistol was recovered. It reflects, except above evidence there is no other evidence against the applicant on record.

11. This Court finds merit in the argument advanced by learned counsel for the applicant that in absence of any other corroborative evidence merely on the basis of above evidence prima facie it cannot be said that applicant involved in commission of the present crime specially considering the fact that recovery of alleged country-made pistol was made from an open place which was accessible to all and even till date the recovered weapon could not be connected with the instant crime.

12. Further, co-accused Gulshan has been released on bail by this Court and as far as evidence is concerned case of applicant is almost at par with him.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 03.04.2026 i.e. for last more than six and half months.

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

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

16. Let the applicant - **Rahul @ Pawan** 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.

17. 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.

18. 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.

(Sameer Jain,J.)

October 23, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad