2026:AHC:227282

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 421 of 2026

Ajad Ali

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akhilesh Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vikas Singh Advocate holding brief of Sri Akhilesh Kumar Mishra, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.

2. The instant bail cancellation application has been filed with a prayer to cancel the bail order dated 23.4.2019 passed by Co-ordinate Bench of this Court in Crl. Misc. Bail Application No. 49611 of 2017 arising out of case crime No. 967 of 2016, under Sections 302, 120B IPC, Police Station Mehandawal, District Sant Kabir Nagar.

3. Learned counsel for the applicant submitted that applicant is informant of the case and he filed the instant bail cancellation application to cancel the bail granted to opposite party no. 2 vide order dated 23.4.2019 passed in Crl. Misc. Bail Application No. 49611 of 2017 on the ground that after released on bail opposite party no. 2 is misusing the liberty of bail granted to him.

4. He further submitted that on 15.7.2026 opposite party no. 2 alongwith one Kamlesh set fire in the shop of Rohit Gaud and in this regard he also lodged a FIR against him on 17.7.2026 which has been annexed at page 39 of the paper book and considering this fact the bail granted to opposite party no. 2 may be cancelled.

5. Per contra, learned AGA submitted that from the FIR dated 17.7.2026 it reflects, opposite party no. 2 was named in the FIR but facts of the FIR suggests that informant of the case could not witness the real incident of fire. He further submitted that even applicant was enlarged on bail about 9

years before and therefore, after such a long gap merely on the basis of such FIR it is not proper to cancel his bail, therefore, instant bail cancellation application may be dismissed.

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

7. It reflects, applicant is informant of the case and he moved instant bail cancellation application with a prayer to cancel the bail of opposite party no. 2 granted by this Court on the ground that on 15.7.2026 he alongwith one another set fire in the shop of one Rahul Gaund and he on 17.7.2026 also lodged FIR against him but from the FIR lodged by Rahul Gaund it reflects, he himself could not witness the incident of fire and it appears due to previous dispute he lodged FIR against the opposite party no. 2 and one another. Considering this fact in view of this Court it is not proper to consider the instant bail cancellation application.

8. Further, even from the bail granting order passed in favour of the opposite party no. 2 it reflects, he was enlarged on bail on 23.4.2019 i.e more than seven years before. Considering this fact also, in view of this Court, merely on such vague allegations, it is not proper to cancel the bail granted to opposite party no. 2.

9. Law is settled that it is easy to reject a bail application but it is very difficult to cancel the bail already granted to the accused and for cancellation of bail very overwhelming and cogent reasons are necessary.

10. Therefore, considering the aforesaid facts and circumstances of the case discussed above, in my view, the instant bail cancellation applicant is devoid of merit and is, accordingly, **dismissed**.

11. 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.

November 2, 2026
Ankita

(Sameer Jain,J.)

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