2026:AHC:227549

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38752 of 2026

Totaram

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Atul Kumar Singh, Rishabh Kashyap

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Atul Kumar Singh, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.184 of 2026, under Section 103(1) BNS, Police Station Chandausi, District Sambhal, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is sole accused and as per FIR applicant made assault upon the deceased due to which he sustained injuries and died but informant of the case was not eyewitness.

4. He next submits, however during investigation I.O. recorded the statements of some eyewitnesses and they also reiterated the version of FIR but as informant had already disclosed his name in the FIR therefore during investigation they in their statements also started making allegation of assault against applicant and it reflects, they also could not see the real incident. He next submits, applicant is innocent and only due to the previous enmity he has been made accused in the present matter.

5. He further argued, applicant is not having any criminal

history and in the present matter he is in jail since 16.06.2026.

6. Per contra, learned AGA opposed the prayer for bail and submits, apart from the statements of eyewitnesses there is also CCTV footage of the incident and from its perusal it is apparent that applicant was repeatedly making assault upon the deceased through iron pipe and even postmortem report suggests, deceased sustained as many as three lacerated wounds and therefore prima facie it cannot be said that applicant is innocent. He further submits, even applicant is in jail only since June, 2026.

7. He further argued, therefore considering the facts of the case, instant bail application may be dismissed.

8. I have heard both the parties and perused the record of the case.

9. However, informant of the case does not appear to be eyewitness but there are several eyewitnesses and they categorically stated that applicant repeatedly made assault upon the deceased through iron pipe.

10. Further, even there is a CCTV footage of assault and details of which has been extracted by the I.O. in the case diary which has been produced by learned AGA during course of argument and from its perusal it reflects, applicant on 15.06.2026 at 18:02:52 hours was making assault repeatedly upon the deceased through iron pipe. Postmortem of the deceased also supports the statements of eyewitnesses and CCTV footage. Considering the overall facts and circumstances of the case, prima facie it cannot be said that applicant is innocent.

11. Further, even in the present matter applicant is in jail only since June, 2026.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

13. Accordingly, the instant bail application stands **dismissed**.

14. 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
Shahroz

(Sameer Jain,J.)

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