HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38236 of 2026

Chhutkan @ Azad Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	B.N. Singh, Manish Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 227 of 2026, under Sections 105, 3(5), 115(2), 351(3) B.N.S., Police Station Maharajganj, District Kanpur Nagar during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 10.05.2026 and 17.05.2026, whereas the first information report was lodged on 11.06.2026 under Sections 103(1), 3(5), 115(2), 351(3) B.N.S. The inordinate delay in lodging the first information report is fatal to the prosecution case. During the course of investigation, Section 103(1) B.N.S. was deleted and Section 105 B.N.S. was added. It is contended that the informant's husband died in a road accident and was brought dead in the emergency department of the Hallett Hospital, Kanpur Nagar on 10.05.2026 at 11.03 p.m. In this regard, reliance has been placed upon GD No. 002 dated 11.05.2026 annexed as Annexure-SA-1 to the supplementary affidavit. The Panchayatnama of the informant's husband was conducted on 11.05.2026 at 08.00 p.m. The brother of the

deceased was also one of the inquest witnesses. In the opinion of the panch witnesses, the deceased died on account of the injuries sustained by him in a road accident. Placing reliance upon the heading 'Abdomen' of the postmortem report, it is next contended that alcohol was present in the stomach region. The deceased under the influence of liquor met with an accident and died and subsequently the applicant has been implicated. It is further contended that the independent witnesses namely Golu @ Vishal, Mahesh Kumar Gautam, Babu Ram and Jamna Prasad have also stated that at the time of the alleged incident the deceased was under the influence of liquor and met with an accident and sustained injuries. At this stage there is no corroborative evidence to link the applicant with the offence. Criminal history of the applicant has been explained in Paragraph-28 of the supplementary affidavit. The applicant is in jail since 28.07.2026 and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. As per GD Entry No. 2 dated 11.05.2026, the deceased met with a road accident and was brought dead in the emergency department of the Hallett Hospital, Kanpur Nagar on 10.05.2026 at 11.03 p.m. The independent witnesses namely Golu @ Vishal, Mahesh Kumar Gautam, Babu Ram and Jamna Prasad have also stated that at the time of the alleged incident the deceased was under the influence of liquor and met with an accident and sustained injuries. At this stage there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has remained confined for almost three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Chhutkan @ Azad Yadav, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 27, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad