2026:AHC:232590

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39733 of 2026

Ashiq Ansari

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Santosh Kumar Tiwari, Vikas Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

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

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.81 of 2026, under Sections 103(1), 238(a), 3(5) BNS, Police Station Bhatparrani, District Deoria, during pendency of the trial.

3. Learned counsel for the applicant submits that however, applicant is named in the FIR along with three others but it is a case of circumstantial evidence and except evidence of last seen given by witness Surendra Yadav, there is no other cogent and admissible evidence against the applicant on record which can connect him with the instant crime.

4. He further argued that even post mortem report suggests that deceased died due to drowning and however, his first and second ribs were found fractured but possibility of accidental death at this stage cannot be ruled out.

5. He further submits that admittedly there is no eye witness account, which can suggest that at the time of incident applicant was along with the deceased.

6. He further submits that in absence of any other corroborative evidence merely on the basis of above evidence of last seen prima facie it cannot be

said that applicant committed the murder of the deceased.

7. He further submits that even co-accused Naeem Ansari has been released on bail by this Court and his bail order has been annexed at page-63 of the paper-book and case of applicant is at par with him.

8. He further argued that applicant is not having any criminal history and in the present matter he is in jail since 01.06.2026 i.e. for last more than five months.

9. Per contra, learned AGA however 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. However, applicant is named in the FIR along with others but it is a case of circumstantial evidence and except the evidence of last seen it appears that there is no other cogent and admissible evidence against the applicant on record.

12. Further, from the post mortem report it reflects that deceased died due to drowning, therefore, this Court finds merit in the argument advanced by the learned counsel for the applicant that the possibility of accidental death of the deceased, cannot be ruled out at this stage.

13. Further, this Court also finds merit in the argument advanced by the 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 committed the murder of the deceased.

14. Further, even co-accused Naeem Ansari has been released on bail by this Court and case of applicant is at par with him.

15. Further, applicant is not having any criminal history and in the present matter he is in jail since 01.06.2026 i.e. for last more than five months.

16. Therefore, considering the facts and circumstances of the case

discussed above, in my view, applicant is entitled to be released on bail.

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

18. Let the applicant - **Ashiq Ansari** 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.

19. 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.

20. 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.)

November 5, 2026
Shahroz

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