2026:AHC:231659

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39661 of 2026

Kasim

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ayush Mishra, Yogendra Misra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Yogendra Misra, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.501 of 2026, under Sections 109, 352, 3(5) B.N.S., Police Station Surajpur, District Gautam Buddha Nagar, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about nine days, and there is no explanation for the said delay. The applicant is not even named in the FIR. His name has come up in the statement of the informant recorded on the same day of the institution of the FIR, as an afterthought. Had the applicant committed the said offence, his name would have come up in the FIR itself. No test identification parade has been conducted as per Section 7 of the Bharatiya Sakshya Adhiniyam. The applicant has no criminal history and has been in jail since 06.09.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and the fact that no test identification parade has been conducted as per Section 7 of the Bharatiya Sakshya Adhiniyam, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant- **Kasim**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

November 5, 2026
(Ravi Kant)

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