2026:AHC:231438

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39817 of 2026

Ashif @ Gulli @ Ashik

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Nishant Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Nishant Dwivedi, learned counsel for the applicant and Sri Ashutosh Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.171 of 2026, under Sections 103(1), 3(5) BNS and Section 4/25 Arms Act, Police Station Ganjdundwara, District Kasganj, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR but it is a case of circumstantial evidence.

4. He next submits, however as per prosecution when applicant was arrested then on his pointing out one knife was recovered but entire recovery is false and baseless and even the recovery was made from an open place.

5. He further submits, apart from the above evidence and confessional statement of applicant there is no other evidence against him on record. He next submits, even applicant was not having any motive and motive was against co-accused Parvez.

6. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 05.07.2026.

7. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the

applicant.

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

9. However, applicant is named in the FIR but it is a case of circumstantial evidence. It reflects, apart from the confession of the applicant recorded by the I.O. and recovery of knife on his pointing out there is no other evidence against applicant on record. In considered view of this Court, in absence of any other corroborative evidence merely on the basis of above evidence prima facie it cannot be said that applicant involved in commission of the present crime particularly considering the fact that the alleged recovery of knife has been made from an open place and even till date alleged recovered knife could not be connected with the instant crime.

10. Further, applicant is not having any criminal history and in the present matter he is in jail since 05.07.2026.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

13. Let the applicant - **Ashif @ Gulli @ Ashik** 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.

14. 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.

15. 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