2026:AHC:231091

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39679 of 2026

Salahuddeen

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amresh Bahadur Tiwari, Anil Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anil Kumar, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 224 of 2026, under Sections 103(1), 190, 191(2), 191(3), 118(2), 115(2), 352, 351(2) BNS, Police Station Kalyanpur, District Kanpur Nagar, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that applicant was not named in the FIR but during investigation he has also been made accused by the informant in his second statement recorded during investigation.

4. He further submitted that actually on the date of incident some dispute of applicant side arose with the informant side and unfortunately in the incident deceased sustained injury and died.

5. He further submitted that even above fact is evident from a CCTV footage, detail of which has been annexed at page 53 of the paper book.

6. He further submitted that post mortem report of the deceased suggests that however he sustained four injuries but only injury no. 1 was fatal which was on his forehead and this fact again suggests that applicant and other accused were not having any intention to cause his death and during quarrel unfortunately incident occurred and he died.

7. He further submitted that even applicant is having no previous criminal history and he is in jail in the present matter since 23.4.2026 i.e. for last more than six months.

8. Per contra, learned AGA opposed the prayer for bail and submitted that however applicant in not named in the FIR but from the CCTV footage his complicity is revealed but could not dispute the fact that even from the CCTV footage it reflects, both the sides were quarreling.

9. He further could not dispute the fact that although deceased sustained four injuries but injury No. 1 was fatal and other injuries were on non vital part and there is no evidence that applicant is the author of this injury.

10. He further could not dispute the fact that applicant is not having any previous criminal history and in the present matter he is in jail since 23.4.2026.

11. I have heard learned counsel for the parties and perused the record of the case.

12. Applicant was not named in the FIR but when the second statement of the informant was recorded during investigation then he disclosed the name of the applicant and thereafter he has been made accused in the present matter.

13. Further however as per the witnesses and CCTV footage, applicant also participated in the alleged incident alongwith other accused but from the CCTV footage it further reflects that quarrel was going on between applicant side and informant side and considering this fact the argument advanced by learned counsel for the applicant that it reflects, during quarrel suddenly incident occurred in which deceased sustained injuries and died cannot be ruled out, at this stage.

14. Further, however post mortem report suggests that deceased sustained four injuries but except injury No. 1 other injuries were on non vital part and there is no evidence that applicant is the author of this fatal injury.

15. Considering the overall facts and circumstances of the case including post mortem report of the deceased this Court finds merit in the argument advanced by learned counsel for the applicant that prima facie, it cannot be said that applicant and other accused were having any intention to cause death of the deceased.

16. Further, applicant is not having any previous criminal history and in the present matter he is in jail for last more than six months.

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

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

19. Let the applicant-**Salahuddeen**, 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.

20. 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.

21. 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 5, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad