2026:AHC:230728

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39651 of 2026

Sunil Kumar Yadav @ Kavi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Bipin Kumar, Mohd. Naushad Siddiqui
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Mohd. Naushad Siddiqui, learned counsel for the applicant and Sri Vijay Kumar, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 153 of 2026, under Sections 103(1) BNS, Police Station Chakiya, District Chandauli, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that applicant is not named in the FIR but it is a case of circumstantial evidence and on the basis of confessional statement of the applicant recorded during investigation he has been made accused in the present matter.

4. He further submitted that however according to the prosecution when applicant was arrested then on his pointing out one axe was also recovered which was allegedly used in the instant crime but entire recovery is false and planted and even alleged recovery has been made from an open place which was accessible to all.

5. He further submitted that apart from the above evidence, there is no other evidence against the applicant on record.

6. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 7.6.2026.

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

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

9. It is a case of circumstantial evidence and nobody was named in the FIR but it reflects during investigation applicant has been made accused on the basis of his confessional statement recorded by the Investigating Officer.

10. Further however as per prosecution when applicant was arrested then on his pointing out one axe which was allegedly used in the crime was also recovered but the alleged recovery has been made from an open place which was accessible to all and even till date alleged recovered axe could not be connected with the instant crime.

11. It reflects apart from the above evidence, there is no other evidence against the applicant on record. In considered view of this Court in absence of any corroborative evidence merely on the basis of above evidence, prima facie, it cannot be said that applicant involved in commission of the instant crime.

12. Further, applicant is having no previous criminal history and he is in jail in the present matter since 7.6.2026 and charge sheet has been filed.

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

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

15. Let the applicant-**Sunil Kumar Yadav @ Kavi,** 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.

16. 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.

17. 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