2026:AHC:230531

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39654 of 2026

Chhotku

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akash Chaubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 705 of 2024, under Sections 333, 310(3) B.N.S., Police Station Kotwali Karwi, District Chitrakoot during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The first information report was lodged against the unknown persons, alleging that the informant's daughter had been found dead with her throat slit. The name of the applicant and other co-accused was disclosed by a child witness namely Shahid aged 8 years. It is contended that the said statement, insofar as it implicates the applicant, is unreliable. No incriminating article has been recovered from the applicant. Further, identically placed co-accused Guddu and Irfan have been granted bail by this Court vide orders dated 18.08.2026 and 09.09.2026 passed in Criminal Misc. Bail Application Nos. 36033 of 2025 (Guddu v. State of U.P.) and 1769 of 2026 (Irfan v. State of U.P.) respectively. The applicant claims parity. Charge-sheet was filed against the applicant on 03.09.2026. No custodial interrogation is required. The applicant is in jail since 04.08.2026 having no criminal history and if he is released on bail, he will not misuse the said liberty.

4. Learned Brief Holder for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report was lodged against the unknown persons. The name of the applicant and other co-accused was disclosed by a child witness namely Shahid aged 8 years. No incriminating article has been recovered from the applicant. Identically placed co-accused Guddu and Irfan have been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Chhotku, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

November 5, 2026
SKT/-

(Vivek Varma,J.)

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