2025:AHC:229552

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41179 of 2025

Naiem And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Irshad Ahmad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Irshad Ahmad, learned counsel for the applicants, Shri Rupak Chaubey, learned AGA for the State-Respondent and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of the accused-applicants seeking enlargement on bail in Case Crime No. 337 of 2024, under Sections 191(2), 191(3), 190, 109(1), 125A, 221, 132, 121(1), 121(2), 324(4), 223B, 326(1), 317(3) of the Bharatiya Nyaya Sanhita, 2023, and Section 7 of the Criminal Law Amendment Act, 1932 and Section 3/4 of Public Property Damage Prevention Act, Police Station Kotwali Sambhal, District Sambhal.

Learned counsel for the applicants argued that the accused-applicants are innocent. They have been falsely implicated in this very case crime number and are languishing in jail since 24.11.2024. Learned counsel for the applicants submits that similarly circumstanced co-accused Shuaib and Saleem have already been enlarged on bail by the Co-ordinate Bench of this Court vide orders dated 28.05.2025 and 12.09.2025 in Criminal Misc. Bail Application Nos. 11863 of 2025 18902 of 2025. He submits that the applicants have no criminal antecedent to their credit. He further submits that there is no likelihood of their fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant,

but could not dispute the aforesaid fact.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is ***allowed***.

Let the accused-applicants, **Naeim and Mohd. Gulfam**, involved in above mentioned case crime number be released on bail, on their executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicants will not tamper with the evidence.

2. The applicants will not indulge in any criminal activity.

3. The applicants will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

4. The applicants will appear regularly on each and every date fixed by the trial court, unless their personal appearance are exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel their bail.

(Ashutosh Srivastava,J.)

December 19, 2025
Ravi Prakash

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