



2025:AHC:175313

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 26853 of 2025**

Hari Dutt @ Golu

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s)	: Lavkush Kumar Bhatt
Counsel for Opposite Party(s)	: Digvijay Singh, G.A., Sudhir Kumar Singh

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**Court No. - 87**

**HON'BLE SANTOSH RAI, J.**

1. Counter affidavit filed by learned A.G.A. is taken on record. Learned counsel for the applicant submits that he does not want to file rejoinder affidavit.
2. Heard learned counsel for the applicant; learned AGA for the State and perused the material placed on record.
3. The instant bail application has been filed on behalf of the applicant **Hari Dutt @ Golu** with a prayer to release him on bail in Case Crime No. 136 of 2025, under Sections 191 (2), 191(3), 352, 109 (1) B.N.S., Police Station Mohammadabad, District Farrukhabad, during pendency of trial.
4. Learned counsel for the applicant has submitted that the applicant has not committed any offence as alleged in the F.I.R. He has been falsely implicated in this case due to ulterior motive. He further submitted that no specific/separate role has been assigned to the applicant either in the F.I.R. or in the statement of the injured. Common role of marpeet by way of hard and blunt object is said to be alleged. No any grievous injury was sustained on the vital part of the injured. Applicant is languishing in jail since 26.06.2025. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. Per contra learned A.G.A. and learned counsel for the informant has opposed the prayer for bail of the applicant by contending that three persons are injured in the incident and have sustained grievous injury, hematoma was found on the head of the injured Prati Pal Singh, the innocence of the

applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

6. Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant; keeping in view uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under-trial having fundamental right to speedy trial; larger mandate of the Article 21 of the Constitution of India, **bail application is allowed.**

7. Considering the dictum of Apex Court in the case of *Manish Sisodia Vs. Directorate of Enforcement, 2024 LawSuit (SC) 677*, considering 5-6 times overcrowding in jails over and above their capacity by under trials and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A I.P.C./269 B.N.S.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C./84 B.N.S.S. is issued and the applicants fail to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A I.P.C./209. B.N.S.

(v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii)

recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. In case, of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

**September 26, 2025**

Asha

**(Santosh Rai,J.)**