



2025:AHC:181727

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33802 of 2025

Vipin Nagar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Gaurav Kakkar, Raghvendra Prakash
Counsel for Opposite Party(s) : G.A., Rakesh Kumar Srivastava

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Gaurav Kakkar, learned counsel for the applicant, Sri Rakesh Kumar Srivastava, learned counsel for the informant as well as Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.100 of 2025, under Sections 103(1) and 61(2) B.N.S., Police Station-Dhankaur, District-Gautam Buddh Nagar, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The applicant is not named in the FIR. The name of the applicant has come up subsequently in the statement of informant regarding having hatched a criminal conspiracy to get the said murder committed. There is no cogent evidence against the applicant. There is no evidence regarding any person having heard the applicant or any other person hatching the said conspiracy. The allegations are based on suspicion only. There is no criminal history of the applicant. The applicant is languishing in jail since 14.05.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. Learned A.G.A. has vehemently opposed the bail application.

6. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*," gives rise to the concept of bail as a rule and imprisonment as an exception.

7. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been recapitulated by the Supreme Court in *Satender Kumar Antil Vs. Central Bureau of Investigation and Ors.*, 2022 INSC 690.

8. Reiterating the aforesaid view the Supreme Court in the case of *Manish Sisodia Vs. Directorate of Enforcement* 2024 INSC 595 has again emphasised that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

9. Learned AGA could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

10. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and taking into consideration the fact that applicant is not named in the FIR and the allegations are based on suspicion only and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

13. Let the applicant-**Vipin Nagar**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

15. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

October 13, 2025

Karan