

Subedar Patel Alias Dhoni vs State Of U.P. on 28 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44111

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10503 of 2025

Applicant :- Subedar Patel Alias Dhoni

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhay Pratap Singh, Suneel Kumar Patel

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Pawan Kumar Patel, deponent of the case and learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 194 of 2024, under Sections 103(1), 238 (a) BNS, Police Station Industrial Area, District Prayagraj, during pendency of the trial in the court below.
3. Deponent of the case submits that on the basis of false allegations, applicant has been made accused in the present matter alongwith several others including co-accused Alok Patel @ Nane and after considering entire facts of the case in detail, co-accused Alok Patel @ Nane has been released on bail by this Court and his bail order has been annexed as annexure-14 to the affidavit and on facts, case of applicant is at par with him.
4. He further submitted that applicant is having no previous criminal history and in the present matter, applicant is in jail since 28.10.2024.

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

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

7. It is a case of circumstantial evidence and it reflects that during investigation, applicant has been made accused in the present matter.

8. Record also suggests that informant of the case has also been made accused in the present matter during investigation and alongwith applicant, co-accused Alok Patel @ Nane was also made accused and with a detailed order, he has been released on bail by this Court and on facts, case of applicant is at par with him.

9. Further applicant is having no previous criminal history and in the present matter, applicant is in jail since 28.10.2024.

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

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

12. Let the applicant-Subedar Patel Alias Dhoni, 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.

13. 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.

14. 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.

Order Date :- 28.3.2025 Ankita