



2026:AHC:48326

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6607 of 2026

Furkan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shravan Kumar Singh, Umesh Kumar
Patel
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Shravan Kumar, learned counsel for the applicant, Sri D.P.S. Chauhan along with Sri Pankaj Saxena, learned A.G.A. for the State and perused the record.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.1108 of 2025, under Sections 303(2), 317(2), 317(4) of BNS, Police Station- Quarsi, District Aligarh.
3. This matter was heard on 23.02.2026. On that date, during dictating the bail order by this Court, an objection was raised by the learned AGA that the applicant had explained the criminal history of five cases though the case diary shows that he is having 12 cases to his credit. For that reason, the applicant was directed to explain the remaining criminal history but he submitted that he had no other criminal history except the five criminal cases as shown in D.C.R.B, which he had already explained. Therefore, this Court directed the ADG (Technical Services), U.P., Lucknow to appear before this Court to assist the Court.
4. In pursuance of the order of this Court dated 23.02.2026, Sri Naveen Arora, ADG (Technical Services) appeared through V.C. and submitted that now it is very easy to trace out the criminal history of any accused through CCTNS as option is available there, and because of the mistake committed by I.O. concerned, the criminal history has been incorrectly sent as 12 cases instead of five cases. It is further informed by the ADG (Technical Services)

that now access has been given to fetch the case diary through ICJS to Joint Director, Prosecution, High Court Allahabad but the Joint Director, Prosecution himself refused to avail that facility for the shortage of staff in his office.

5. At this stage, learned AGA has tendered apology on behalf of police department with request that this mistake may be treated as bonafide.

6. Per contra, learned counsel for the applicant has submitted that he could have been released on bail on 23.02.2026 but because of incorrect information supplied by the police regarding criminal history of 12 cases instead of five cases, he remained in jail for 15 days for no fault on his part. Therefore, appropriate direction may be issued against the police department. It is further submitted by learned counsel for the applicant that though he was not named in the FIR wherein the allegation has been made for stealing a Santro Car bearing registration No.DL-4-CAJ-0547. However, the applicant has been falsely implicated on the basis of joint recovery of a vehicle bearing No. U.P.81S6099 as well as Rs.7800/- from the applicant. It is further submitted that the applicant has been falsely implicated in the present case and he has already explained the criminal history of five cases. He is in jail since 25.11.2025. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

7. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

8. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

9. Let the applicant- **Furkan** involved in the aforementioned 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:-

i. The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

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

12. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

15. As it is not in dispute that the applicant has remained in jail for additional 15 days for the reason that incorrect criminal history of 12 cases has been sent by the concerned I.O. in his instructions to learned AGA though the applicant has already explained the criminal history of five cases.

Therefore, compensation of Rs.50,000/- shall be paid by the State to the applicant within a period of one month from today. From the perusal of record, it is also clear that there was no malafide on the part of the I.O. but there was mistake because of his negligence that may be due to workload on him.

16. This Court also records appreciation for valuable assistance of Sri Naveen Arora, the ADG (Technical Services), U.P., Lucknow.

17. During Video Conferencing, this Court finds that Video Conferencing setup installed in this Court is defective and because of that reasons, this Court could not hear properly the ADG (Technical Services), who was present through V.C. This Court had already directed to Registrar (Computer) of this Court in Criminal Misc Bail Application No.45637 of 2025 (Raju @ Rajkumar vs State of U.P.) vide order dated 30.01.2026 to install new Video Conferencing setup but till date no action has been taken. Therefore, **Registrar (Computer)** is directed to ensure the installation of proper Video Conferencing setup in this Court within a period of one month, failing which the Court may pass appropriate order against him.

18. Director Prosecution is also directed to ensure sufficient staff in the office of Joint Director, Prosecution, High Court Allahabad so that he can avail the facility of fetching the case diary through ICJS in its office itself to prevent the delay in obtaining instructions.

19. **Registrar (Compliance)** is directed to send a copy of this order to Registrar (Computer), the Director General of Police, U.P., Lucknow and Director Prosecution, U.P. for compliance.

March 10, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)