



2026:AHC:184595

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 28974 of 2025

Mubarak Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhai Singh, Virendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sl. No. 99 out of 223)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Virendra Singh, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 87 of 2024, under Sections 153A, 295A, 505(2), 504, 419, 420, 467, 468, 471, 120-B IPC and 66 I.T. Act, Police Station Bhitauli, District Maharajganj, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations against the applicant are that in order to settle his case with police informant, Jannatunnisha, the applicant is stated to have sent an e-mail passing derogatory remarks against the Chief Minister of Uttar Pradesh. The allegations that applicant used his mobile number 7518508611 are false as he did not used the said mobile, as such, he is entitled for bail.
5. Learned counsel for the applicant has further argued that there is a criminal history of one case assigned to the applicant, which stands explained. The applicant is languishing in jail since 20.3.2024, as such, the period of incarceration comes out to be two and a half years. The trial is moving at a snail's pace. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned State Law Officer has vehemently opposed the bail application.

7. This Court had called for the status of trial. As per the status report dated 23.7.2026, four witness have been examined and there are twenty-six witnesses to be earmarked in the final report (charge sheet).

8. This Court is of the view that if a case for bail is otherwise made out, an accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history assigned to the applicant has been properly explained.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the period of incarceration and the speed of trial and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Mubarak Ali**, 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

12. 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.)

September 3, 2026

Shalini