



2026:AHC:72900

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 296 of 2026**

Nafees Alias Mohammad Nafees

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Rishabh Srivastava  
Counsel for Opposite Party(s) : Deepak Kumar Tripathi, G.A., Nikhilesh  
Kumar Chaudhary

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**Court No. - 70**

**HON'BLE HARVIR SINGH, J.**

1. Supplementary affidavit dated 24.3.2026 filed today by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the accused-applicant, learned A.G.A. for the State and perused the material available on record.
3. This bail application has been moved on behalf of the accused-applicant/ **Nafees Alias Mohammad Nafees**, for grant of bail, in Case Crime No. 279 of 2025, under Sections 115(2), 351(3), 352 and 91 of Bharatiya Nyaya Sanhita, 2023, Police Station Parasrampur, District Basti, during pendency of trial.
4. Learned counsel for accused-applicant, while pressing the bail application, submits that, the accused-applicant has been falsely implicated in the instant case and has not committed any offence, as alleged by the prosecution. It is further submitted by learned counsel for the applicant that, allegations of physical assault on injured- Sayma Bano, have been leveled against the accused- applicant, however, as per the medical report dated 13.9.2025 of the injured, no external injury was found upon the person of the injured. The injured was further examined by the same hospital, in which, the medical opinion has been referred as under:-

*"Single intrauterine gestational sac seen.*

*Gestational sac diameter: 6.6 mm.*

*Evidence of an embryo in gestational sac.*

*CRL: 18 mm, corresponds to 08 weeks 02 days of gestation.*

*No cardiac activity.*

*Impression"- Early Pregnancy loss."*

Learned counsel for the applicant further submits that, as far as eight weeks and two days pregnancy is concerned, the same was not in the knowledge of the applicant, even if he has caused some injuries to the injured and in the absence of intention to cause such injury to the injured, the Section 91 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is not made out against the applicant. Learned counsel for the applicant further submits that, the accused-applicant is languishing in jail in this matter since 11.10.2025 and there is no likelihood that the accused-applicant, after release on bail, may flee from the process of law or will misuse the liberty of bail, therefore, the applicant is entitled to be enlarged on bail.

5. On the other hand, learned counsel appearing on behalf of informant/complainant submits that, even if, it was not the intention of the accused persons, but internal injury has been caused to the injured by the applicant and as a result of the same, there is early pregnancy loss, which can only be attributed to the act of the accused-applicant, therefore, the applicant is not entitled to be enlarged on bail.

6. Per contra, learned A.G.A. appearing on behalf of State opposes the prayer for bail of the applicant on the ground that, the internal injuries have been caused to the injured by the applicant and having regard to the manner, in which the crime has been committed, the applicant is not entitled to be released on bail. Learned AGA for the State further submits that, at the time of filing of the instant bail application, the accused-applicant has suppressed the material fact of having criminal history of 5 cases against him and in para 30 of the instant bail application, he has stated as under:-

***"30. That the applicant is law abiding citizen and except the present case, he has no criminal history."***

However, at a later stage, the criminal history of the applicant has been placed on record, by way of some supplementary affidavit, after being pointed out by the State/ prosecution that, five criminal cases are pending against the accused- applicant. Learned AGA for the State further submits that, the applicant has not shown any bona fide by not disclosing the fact of five criminal cases pending against him and then did not follow the

procedure, as prescribed in para 3 of the Allahabad High Court (Amendment) Rules, 2025, published vide publication in Extraordinary Gazette of State of Uttar Pradesh, vide Notification dated 12.11.2025, and the procedure prescribed therein para 3 is as under:-

**"3. Insertion of sub-Rule (7) in Rule 18 of Chapter XVIII.-** *In Rule 18 of Chapter XVIII of the Rules, the following sub-Rule (7) shall be inserted after sub-Rule (6) :*

**(7) Every application for bail filed before this Court shall also disclose-**

*(a) Particulars of any bail application filed by the applicant which is pending before this Court, any subordinate Court, or the Supreme Court, and if none is pending, a clear statement to that effect, together with the result of any such application previously decided along with copy of the order (s);*

*(b) Whether the applicant is or was involved in any other criminal case, and if so, the particulars and decisions thereof."*

Learned AGA for the State further submits that, since the internal injuries have been caused to the injured by the applicant and the applicant also, did not follow the procedure prescribed in the Allahabad High Court (Amendment) Rules, 2025, on the subject of Bail, he is not entitled to be enlarged on bail.

7. Having considered the rival contentions of the parties and having perused the record, it is evident that, by suppressing the pendency of 5 criminal cases and concealment thereof, the applicant has tried to take the benefit of liberty of bail. However, without taking into consideration the criminal history of the applicant and the suppression of material fact of pendency of five criminal cases against the applicant, other ground is available that, in both the medical reports, the first report speaks of no external injury, however, as far as second report is concerned, it shows early pregnancy loss by the injured, but the said fact of pregnancy was not in the knowledge of accused-applicant, therefore, the applicant-accused has no intention to cause such bodily injury to the injured, as stated, moreover, the same is matter of

trial; the accused-applicant is languishing in jail in this matter, since 11.10.2025. Thus, keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, this Court is of the considered view, that applicant has made out a case for bail. The bail application is **allowed**.

8. Let the accused-applicant/ **Nafees Alias Mohammad Nafees**, involved in aforesaid case, be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial 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.

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

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

11. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

12. Apart from above and having regard to the Allahabad High Court (Amendment) Rules, 2025, as stated above in para 6 of this order, it is directed that, all accused-applicants, while filing the bail application before this High Court, they shall follow the procedure as prescribed in the Allahabad High Court (Amendment) Rules, 2025 and shall disclose the pendency of any criminal case(s) against them.

13. Hence, in order to strengthen and streamline the process of criminal history to be disclosed/ explained at the earliest, it is directed that, all the

Judicial Officers (Sessions Judge/ Additional Sessions Judge/ Special Judge) of the State of Uttar Pradesh, while deciding/ disposing of the bail application, shall also mention the criminal history of the accused/ applicant in a **tabular form** in their order and it shall be duty of the State/ prosecution to furnish the details of the criminal cases/ criminal history, pending against the concerned accused-applicant(s) and bring the same on record, at the time of hearing of the bail applications.

14. In the event of default by the concerned Public Prosecutor/ Investigating Officer, the matter may be referred to the concerned administrative authorities of the State for not placing the correct/ appropriate facts on record.

15. Registrar (Compliance) is directed to circulate the copy of this order amongst all the Judicial Officers of the State of Uttar Pradesh, for compliance.

**April 3, 2026**  
Gurpreet Singh

**(Harvir Singh,J.)**