



2025:AHC:220653

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43308 of 2025

Ashok Kumar @ Guddu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Atul Kumar, Veer Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Atul Kumar Singh, learned counsel for the applicant, Sri Himanshu Kumar, 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. 374 of 2024, under Sections 140(1), 142, 61(2)A BNS, Police Station- Sadabad, District Hathras.
3. As per prosecution case, an FIR was lodged by the father of victim alleging that his son aged about 12 years was abducted at about 03.20 p.m. on 06.07.2025 by two unknown persons riding on Apache Motorcycle. Subsequently the victim was recovered from the custody of wife of the applicant.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated merely because the victim boy has been recovered from the custody of wife of the applicant and he was not identified by the victim boy as one of the kidnapper. It is further submitted the wife of the applicant Sanjeeda @ Sajeeta @ Lado has been released on bail by a co-ordinate Bench of this Court in Criminal Misc. Bail Application No.46581 of 2024, therefore, the applicant is entitled to be released on bail. It is further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 09.07.2024. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
5. Per contra, learned A.G.A. for the State opposed the prayer for bail and submitted that during investigation the police has not conducted any identification parade to identify the applicant as one of the kidnapper, therefore, the applicant is not entitled to be released on bail.
6. Thus, considering the submissions of learned counsel for the parties and perusal of record, it is not in dispute that the victim was recovered from the custody of wife of the applicant but not from the applicant, couple with the fact that, he was not

identified by the victim boy as no identification parade was conducted by the police regarding identification of the kidnappers and also keeping in view the nature of offence, evidence, complicity of accused 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.

7. Let the applicant- **Ashok Kumar @ Guddu** 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.

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

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

10. 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.

11. 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.

12. 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**.

13. This Court came across number of cases wherein FIR was lodged against unknown persons and thereafter charge sheet was filed against the accused merely on the basis of information received from informer but no test identification parade was

conducted which resulted no evidence of identifying the kidnapper/abductor by the victim on record. This is serious lacuna and because of this serious lacuna, numbers of accused have been granted bail.

14. Therefore, the Director General of Police, U.P., Lucknow is directed to issue direction to all the District Police Chiefs to sensitize all the Investigating Officers, in case of kidnapping and abducting by unknown persons to conduct Test Identification Parade of the arrested accused so that victim could identify the actual kidnapper/abductor and the criminals may not take benefit of this lacuna during the bail and trial.

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

December 9, 2025
A.Kr.

(Arun Kumar Singh Deshwal,J.)