



UPAN010046622026

UPAN010046612026

UPAN010046602026

UPAN010046762026

**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR**

<b>Bail Application No.</b>	<b>Case Crime No.</b>	<b>Under Sections (BNS, 2023)</b>	<b>Police Station</b>
732/2026	96/2026	Sections 3(5), 317(2)	Baskhari
733/2026	75/2026	Sections 303(2), 317(2), 3(5)	Ibrahimpur
734/2026	105/2026	Sections 303(2), 317(2), 3(5)	Kotwali Tanda
748/2026	86/2026	Sections 303(2), 317(2)	Sammanpur

**CNR Nos.:** UPAN010046622026, UPAN010046612026, UPAN010046602026, UPAN010046762026

**In the Matter of:**

**Keshavram**, Aged about 33 years, Son of Murli, Resident of Village Chak Makdumpur, Police Station Kotwali Tanda, District Ambedkar Nagar.

*... Applicant / Accused*

**Versus**

**State of Uttar Pradesh**

*... Prosecution / Opposite Party*

**Order Date:** June 11, 2026

By this common order, this Court shall dispose of four interconnected first regular bail applications moved on behalf of the applicant/accused, Keshavram, under **Section 439 of the Code of Criminal Procedure, 1973** (corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023). These applications stem from a singular recovery event executed by the police on April 23, 2026, which subsequently linked the

applicant to multiple past mobile theft cases across various jurisdictions. The bail applications are supported by affidavits executed by the applicant's *paikar*, Manglesh.

### **Points for Determination**

The following key points arise for determination in evaluating these bail applications:

1. Whether the applicant/accused is entitled to the benefit of regular bail on grounds of **parity**, considering that the principal co-accused persons from whose joint possession the alleged stolen articles were recovered have already been enlarged on bail.
2. Whether structural non-compliance with the procedural mandates governing arrest and recovery, specifically the failure to provide immediate recovery memos to all co-accused as laid down in *Mihir Rajesh Shah*, weakens the prosecution's claim for continued custodial detention.
3. Whether a documented prior criminal history of 14 cases operates as an absolute bar to bail, when the applicant has already secured bail in the major offences, and the current accusations are exclusively triable by a Magistrate.
4. Whether the defence's evidence showing that high-ranking police officers were notified via registered post about the applicant's illegal detention a day prior to his official arrest creates a reasonable doubt regarding the credibility of the police story.

### **Findings**

#### **1. Factual Matrix of the Connected Cases**

The operational basis of all four cases relies on a recovery memo prepared on April 23, 2026, at 06:05 AM by Sub-Inspector Kamlesh Yadav of Police Station Baskhari.

According to the recovery narrative, while conducting vehicular checking near Matiya Mod, the police intercepted a blue two-wheeler carrying three persons arriving from Jalalpur. The driver identified himself as Keshavram (the applicant), the middle rider as Durgesh Kannaujia, and the rear passenger as Surendra Kumar. A search of a bag carried by them revealed five Android phones and one keypad phone. Upon interrogation, co-accused Durgesh allegedly made a confession stating that they collectively steal mobile phones at night and had targeted houses across Ibrahimpur, Tanda, and Sammanpur on the

night of April 20/21, 2026. They intended to sell these stolen devices at the Kichhauchha Naunchandi fair.

This joint interception resulted in the applicant being implicated in the following specific cases:

- **Case Crime No. 96/2026 (P.S. Baskhari):** The primary recovery case registered directly under Sections 3(5) and 317(2) of the BNS, 2023, regarding the possession of suspected stolen property by multiple individuals.
- **Case Crime No. 75/2026 (P.S. Ibrahimpur):** Originating from an FIR registered on April 21, 2026, by Prince Kumar Verma regarding the theft of his Poco mobile phone (with a broken back cover) while he was asleep on the night of April 20, 2026. The applicant was linked to this theft based on the subsequent recovery confession.
- **Case Crime No. 105/2026 (P.S. Kotwali Tanda):** Originating from a complaint filed by Mahtab Ahmed regarding the theft of his Samsung 35.5G mobile phone on the night of April 20, 2026, while he was asleep outside a poultry farm where he works.
- **Case Crime No. 86/2026 (P.S. Sammanpur):** Originating from an FIR filed by Sarvesh concerning the theft of his Samsung Galaxy A03 phone and another Samsung Galaxy phone belonging to Ramper on the night of April 20, 2026.

## 2. Submissions on Behalf of the Parties

The learned counsel for the applicant/accused argued that the applicant is entirely innocent and has been trapped in a web of false cases due to prior enmity with the Tanda Police. He raised several critical points:

1. The applicant was not named in any of the primary theft FIRs, which were all filed against unknown persons. His implication is based solely on a fabricated joint police confession.
2. The alleged recovery site is a public road lined with shops and residences, yet the police failed to associate any independent public witness to support the search or sign the memo.
3. **Alibi & Illegal Detention:** Crucially, on April 22, 2026—a day *before* the official arrest date—the applicant's sister-in-law (*bhabhi*), Manglesh, had already dispatched written complaints to senior police authorities via registered post, stating that the police had forcibly taken the applicant with the motorcycle from his

residence. This directly challenges the police timeline of a mid-road chase on April 23, 2026.

4. **Parity:** Co-accused Surendra Kumar (from whose physical possession the bag was recovered) and Durgesh Kannaujia (the middle rider who allegedly made the confession) have already been granted regular bail by the Court of the Chief Judicial Magistrate (CJM), Ambedkar Nagar, on May 11, 2026 and May 10, 2026, respectively.
5. **Violation of Precedent:** The police failed to hand over individual copies of the arrest and recovery memos to each accused person at the time of the operation, violating the explicit directives in *Rajesh Mihir Shah*.

The learned District Government Counsel (Criminal) strongly opposed the bail pleas, pointing out that the applicant is a habitual offender with an extensive criminal sheet consisting of 14 separate cases involving theft, robbery, and attempt to murder (police encounter). He argued that liberating such an individual would pose a threat to public property.

### 3. Judicial Analysis and Grounds for Allowing Bail

After examining the case diaries, recovery reports, and assessing the competing submissions, this Court finds the applicant's plea well-founded based on the following reasons:

1. **Principle of Parity:** The record reveals that the primary co-accused, Surendra Kumar (the custodian of the bag containing the items) and Durgesh Kannaujia, have already been admitted to bail by the learned CJM on May 11, 2026 and May 10, 2026, respectively. Since the accusations, recovery site, and evidence are identical, the applicant cannot be denied the benefit of parity. As held by the Hon'ble Supreme Court in *Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana (AIR 2021 SUPREME COURT 2011)*, maintaining consistency in bail orders for similarly placed accused is essential to the administration of criminal justice.
2. **Credibility of the Arrest Timeline:** The existence of a registered postal receipt dated April 22, 2026, sent by the applicant's family to high-ranking officers regarding his prior abduction introduces a serious question regarding the authenticity of the police recovery operation dated April 23, 2026. This remains a matter for trial scrutiny.
3. **Procedural Deviations (Mihir Mandate):** The failure of the police to distribute individual recovery and arrest documents to all the

suspects at the spot directly infringes upon the mandatory guidelines laid down in *Mihir Rajesh Shah vs The State of Maharashtra on 6 November, 2025: 2025 INSC 1288*. Such omissions weaken the presumptive validity of the police record at the bail stage. Furthermore, no independent public witnesses were joined despite the arrest occurring on a developed road surrounded by commercial setups.

4. **Evaluation of Criminal History:** While the prosecution heavily relied on a criminal history of 14 cases including Gangster Act, a detailed breakdown shows that the applicant has already secured regular bail in the most severe offenses, including Case Crime No. 245/2019 (Section 392 IPC), Case Crime No. 255/2020 (Section 307 IPC), and Case Crime No. 314/2020 under the Gangster Act. The remaining older cases date back significantly. The prosecution could not produce any conviction.

The Hon'ble Supreme Court in *Prabhakar Tewari v. State of U.P. (AIR ONLINE 2020 SC 96)* explicitly ruled that the mere pendency of several criminal cases cannot be used as an absolute ground to deny bail if the facts of the case at hand warrant the grant of liberty. The offences currently charged under the BNS, 2023, are exclusively triable by a Magistrate, and the applicant has been incarcerated since April 23, 2026. Consequently, further indefinite detention prior to the conclusion of the trial is unwarranted.

### **Order**

The four regular bail applications moved on behalf of the applicant/accused **Keshavram** in connection with **Case Crime No. 96/2026** (P.S. Baskhari), **Case Crime No. 75/2026** (P.S. Ibrahimpur), **Case Crime No. 105/2026** (P.S. Kotwali Tanda), and **Case Crime No. 86/2026** (P.S. Sammanpur) are hereby **Allowed**.

Let the applicant/accused **Keshavram** be released on regular bail in each of the four cases mentioned above upon his executing a personal bond of **₹25,000/- (Rupees Twenty Five Thousand)** with **two reliable sureties each** in the like amount to the satisfaction of the learned trial court, subject to the following standard conditions:

1. The applicant shall remain present before the trial court on every date fixed for hearing and shall not cause any unnecessary delays.
2. The applicant shall not directly or indirectly threaten, influence, or tamper with any prosecution witness or informant involved in these cases.

3. The applicant shall not commit any further offence of a similar nature while out on liberty.

A copy of this common order shall be placed individually within the case files of all four corresponding bail applications.

**( Chandroday Kumar )**

Sessions Judge, Ambedkar Nagar

*J.O. Code No.: UP06553*

**Date:** June 11, 2026

**Place:** Ambedkar Nagar