



2026:AHC:165780

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27626 of 2026

Rupesh @ Rupendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Saurabh Pandey, Suresh Chandra Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Suresh Chandra Pandey, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State respondent.
2. The instant second application has been filed seeking release of the applicant on bail in Case Crime No. 194 of 2024, under Sections 302 IPC, Police Station Khair, District Aligarh, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however this is third bail application filed on behalf of the applicant and his earlier two bail applications have been dismissed by this Court after considering the merit of the case but he is pressing the instant third bail application on the ground that applicant is in jail in the present matter since 24.4.2024 i.e. for last more than two years but till date trial could not be concluded.
4. He further submitted that in the charge sheet there total 20 witnesses and till date only six could be examined and therefore it appears, trial of the case is moving with languid pace and there is no hope of its early disposal.
5. He further submitted that there is no evidence that applicant is delaying the trial in any manner.
6. He further submitted that however, apart from the present case applicant is having criminal history of seven other cases but he has explained his entire criminal history in the instant bail application and in some cases he has been acquitted.

7. He further submitted that therefore, considering the facts of the case, applicant should be enlarged on bail.

8. Per contra, learned AGA opposed the prayer for bail and submitted that this is third bail application filed on behalf of the applicant and however, in the present matter applicant is in jail since April, 2024 but he was grand son of the deceased and therefore, allegation against him are very serious and he is facing trial of murder in which minimum punishment is life imprisonment and therefore, merely on the ground of two years of incarceration, it is not proper to release the applicant on bail.

9. He further submitted that however, trial court may be directed to conclude the trial within stipulated period of time considering the long incarceration of the applicant.

10. I have heard learned counsel for the parties and perused the record of the case.

11. This is third bail application filed on behalf of the applicant and his earlier two bail applications have already been dismissed on merit after considering the fact that he is grand son of the deceased and as per allegation he crushed the deceased through his vehicle and incident has been witnessed by eye witnesses too.

12. The instant third bail application has been pressed by the applicant on the sole ground that in the present matter, applicant is in jail for last two years and till date out of total 20 witnesses of the charge sheet only six could be examined but applicant is facing trial of murder which is heinous offence in which minimum punishment is life imprisonment. Further, even considering the facts of the case it reflects, allegations made against the applicants are very serious.

13. Therefore, considering the facts and circumstances of the case, I am not inclined to release the applicant on bail merely on the basis of his incarceration of more than two years.

14. Accordingly, the instant second bail application stands **rejected**.

15. However, considering the fact that applicant is in jail for more than two years, trial court is directed to conclude the trial, as expeditiously as, possible preferably ***within a period of seven months*** from the date of

production/communication of the order passed today on day today basis, strictly in accordance with law without granting any unnecessary adjournment to either of the parties, if there is no legal impediment.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

17. Registrar (Compliance) of this Court is directed to communicate this order to the concerned District Judge **within 48 hours** for necessary compliance.

August 7, 2026
Ankita

(Sameer Jain,J.)