



2026:AHC:6719

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6224 of 2024

Shishupal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vishvendra Singh
Counsel for Opposite Party(s)	:	G.A., Gagan Pratap Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned counsel for the informant is not present.
2. Heard Sri Vishvendra Singh, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.386 of 2023, under Section 302 I.P.C., Police Station New Agra, District Agra with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The deceased used to work in a mall and had come illicit relationship, as such, had committed suicide. The applicant has three children out of the said wedlock and two children are living with the maternal grandfather and one is living with grandfather.
5. Learned counsel for the applicant has further stated that the trial is moving at a snail's pace and there is no likelihood of conclusion of trial in near future. There is no criminal history of the applicant. The applicant is languishing in jail since 29.8.2023, as such, the period of incarceration is more than 02 years and 05 months. The applicant is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the deceased had expired within the precincts of the house of applicant and the cause of death was asphyxia as a result of ante-mortem throttling, as such, he is not entitled for bail.

7. This Court had called for the status of trial from the concerned trial court. As per the said status report dated 8.12.2025, five witnesses have been examined, but on the application U/s 311 Cr.P.C. moved by the defence counsel, PW-1 & PW-4 have been recalled for cross-examination. As such, the delay, if any, cannot be attributed to the prosecution rather it is the applicant who is responsible for the delay.

8. After hearing learned counsel for the parties and taking into consideration the fact that deceased had expired within the precincts of house of the applicant and the cause of death is asphyxia as a result of ante-mortem throttling coupled by the fact that five witnesses have already been examined, I do not find it a fit case for grant of bail to the applicant.

9. The bail application is found devoid of merits and is, accordingly, **rejected**.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

11. 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.

(Krishan Pahal,J.)

January 12, 2026
Vikas Verma