



2026:AHC:9133

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30199 of 2025

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., Vinay Kumar Tripathi

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Saurabh Pandey, learned counsel for the applicant, Sri V.K. Tripathi, learned counsel for the informant and Sri Ghan Shyam Mishra, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.194 of 2024, under Section 302 IPC, Police Station Khair, District Aligarh during pendency of the trial.
3. Learned counsel for the applicant submits, this is the second bail application filed on behalf of the applicant and his first bill application has been dismissed vide order dated 9.4.2025 after considering the fact that applicant is grand-son of the deceased and as per allegation, he crushed his grandfather through tractor but he is pressing the instant second bail application on the ground that in the present matter, he is in jail since 24.4.2024 i.e. for last more than one and half years and till date out of 20 witnesses only 3 could be examined.
4. He further submits, all the witnesses of facts have been examined, therefore, even if applicant is enlarged on bail, there is no chance of tampering with the prosecution witnesses.
5. He further submits, apart from the present case applicant is having criminal history of 6 other cases but his criminal history has been duly explained in the instant bail application.

6. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submits this is the second bail application filed on behalf of the applicant and there are ample evidence that applicant crushed his grandfather through tractor and even apart from the present case, applicant is having criminal history of 6 other cases including one case under Section 302 IPC, therefore, considering these facts merely on the ground of incarceration of more than one and half years, he should not be released on bail and the instant bail application should be dismissed.

7. I have heard learned counsel for the parties and perused the record.

8. This is the second bail application filed on behalf of the applicant and his first bail application has been dismissed after considering the fact that as per allegation, applicant crushed his grandfather through tractor. It appears, applicant pressed the instant bail application mainly on 2 grounds; Firstly, in the present matter applicant is in jail for last more than one and half years and till date out of 20 witnesses only 3 could be examined and secondly all the witnesses of facts have been examined, therefore, there is no chance of tampering with the prosecution witnesses even if applicant is enlarged on bail.

9. Considering the nature of allegation made against the applicant and the fact that there are number of eye witnesses, I am not inclined to release the applicant on bail on the basis of above grounds.

10. Therefore, considering the facts and circumstances of the case discussed above, the instant second bail application is liable to be dismissed.

11. Therefore, the instant bail application stands **dismissed**.

(Sameer Jain,J.)

January 12, 2026
S.A.