



2026:AHC:2066

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 11235 of 2025

Jaikumar Alias Jaika

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ajay Kumar, Jitendra Kumar Shishodia
Counsel for Opposite Party(s)	: Anupam Dubey, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today in Court is taken on record.
2. Heard Sri Jitendra Kumar Shishodia, learned counsel for the 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. 104 of 2020 under Sections 302, 120-B, 34 I.P.C., Police Station-Kakod, District-Bulandshahar with the prayer to enlarge him on bail.
4. As per the prosecution story, the applicant along with two other named person and one unknown person is said to have fired at father of the informant thereby leading him to death on 20.05.2020 at about 17.45.
5. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about 3.5 hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further stated that there is no likelihood of conclusion of trial in near future as the statement of accused under Section 313 Cr.P.C. was recorded a year back and there is material contradictions in the statement of witnesses.
7. Learned counsel for the applicant has stated that the applicant is in jail since 28.08.2020 and he is ready to cooperate with trial. In case, the

applicant is released on bail, he will not misuse the liberty of bail.

8. Per contra, Shri Anupam Dubey, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that trial is at its conclusive end and statement of accused has already been recorded under Section 313 Cr.P.C., as such, he is not entitled for bail.

9. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 04.12.2025, the case is posted for defence evidence and the trial is at its conclusive end.

10. The Supreme Court in case of *X vs. State of Rajasthan & Anr., 2024 INSC 909*, has held that once the trial has commenced, it should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition.

11. After hearing learned counsel for the parties and taking into consideration the fact that the trial is at its conclusive end, I do not find it a fit case for grant of bail to the applicant.

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

13. 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.

14. 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.

January 5, 2026
SY

(Krishan Pahal,J.)