



2026:AHC:6878

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17704 of 2025

Sunil Alias Kaloo

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anshu Singh, Hemendra Pratap Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Aditya Prasad Mishra, 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. 50 of 2023, under Sections 302, 201 IPC, Police Station Hafijpur, District Hapur, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about twenty-four days and there is no explanation of the said delay caused. It is stated that the applicant was disturbed by the absence of his brother, as such, he used to go with his mother to the police station for getting him recovered and peeved by the said act, a false recovery has been foisted on the applicant.
5. Learned counsel for the applicant has stated that the deceased was issueless and there is nothing on record to suggest that the money in the name of the deceased has been taken away by the applicant or the other family members as the statements of the Lekhpal and Manager have been recorded. At the time of recovery of the dead body, there were more than fifty persons present at the place of recovery but none of them have been roped in as independent witness. While the inquest report mentions the five

panch witness, it is a clear cut case of false implication. The said recovered place is open and accessible to one and all, as such, the applicant is entitled for bail. PW-1, PW-2 and PW-3 have not supported the prosecution story during their cross-examination in Court. The applicant is in jail since 26.3.2023 and 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 it is an open and shut case, as the dead body has been recovered at the pointing out of the applicant.

7. After hearing learned counsel for the parties and taking into consideration the fact that the dead body has been recovered at the pointing out of the applicant and as per the status report dated 3.11.2025, six witnesses have already been examined, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **rejected**.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible 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.

9. 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

Shalini