



2026:AHC:567

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33656 of 2025

Suvesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Brajesh Kumar Solanki, Samrat Vikram Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Brajesh Kumar Solanki, learned counsel for applicant, Sri J.K. Chaurasia, learned State Law Officer.
3. This is the third bail application on behalf of the applicant. The first one was rejected by a co-ordinate Bench of this Court vide order dated 11.8.2021 passed in Criminal Misc. Bail Application No.9903 of 2021. The second was rejected by this Court by the same Bench vide order dated 15.2.2023 passed in Criminal Misc. Bail Application No. 42615 of 2022.
4. The present bail application has been filed by the applicant in Session Trial No. 847 of 2021, arising out of Case Crime No. 227 of 2020, under Sections 302, 504 IPC, Police Station Ushait, District Budaun, with the prayer to enlarge him on bail.
5. Learned counsel for the applicant has stated as a new ground that the applicant is in jail since 7.10.2020, as such, the period of incarceration is more than five years. His fundamental rights enshrined under Article 21 of the Constitution of India stand violated. There are twenty-one witnesses nominated in the final report (charge sheet) and only eleven witnesses have been examined till date, as such, there is no likelihood of conclusion of trial in the near future. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the trial is almost at its conclusive end. The counsel for the applicant has been delaying tactics and there is no new ground for granting bail to the applicant. This Court has called for the status of trial. As per the report dated 16.12.2025, only eleven witnesses have been examined and the case is fixed for hearing on a miscellaneous application for altering the charge-sheet.

7. After hearing learned counsel for the parties and taking into consideration the rival submissions of learned counsels for the parties, the status report received from the trial court and the complicity of the applicant in the offence, 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 5, 2026

Shalini