



2026:AHC:21581

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27731 of 2025

Bhupendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Alok Kumar Srivastava, Yogesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 46

HON'BLE SIDDHARTH, J.

Heard learned counsel for the applicant; learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Bhupendra, with a prayer to release him on bail in Case Crime No. 149 of 2023, under Sections 302, 201 IPC Police Station Rabupura, District-Gautam Buddh Nagar, during pendency of trial.

This is second bail application of the applicant. The first bail application of the applicant was rejected by this Court on 14.8.2024 directing the trial court to conclude the trial against the applicant as expeditiously as possible, preferably within period of one year from the date of production of certified copy of this order.

There are allegations against the applicant of causing dowry death of his wife in the FIR.

Learned counsel for the applicant has submitted that before the trial court, four prosecution witnesses have been examined. However the fact remains that deceased got married with the applicant in the year 2016 and incident took place in the year 2023. Applicant has three minor children to be looked after. The trial will take time to conclude. The applicant has no criminal history to his credit and he is languishing in jail since 24.6.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial

stage, therefore, he does not deserves any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant; keeping in view uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under-trial having fundamental right to speedy; larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 LawSuit (SC) 677***, considering 5-6 times overcrowding in jails over and above their capacity by under trials and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.
- (iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.
- (iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A of the Indian Penal Code.
- (v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the

Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

In case, of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

January 30, 2026
Ruchi Agrahari

(Siddharth,J.)