



2026:AHC:6422

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39527 of 2025

Krishnapal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sudarshan Singh
Counsel for Opposite Party(s)	:	Priya Saxena, G.A.

Court No. - 46

HON'BLE SIDDHARTH, J.

1. Heard Sri Nagendra Pratap Singh, holding brief of Sri Sudarshan Singh, learned counsel for the applicant; Ms. Priya Saxena, learned counsel for informant; learned AGA for the State and perused the material placed on record.

2. The instant bail application has been filed on behalf of the applicant, Krishnapal, with a prayer to release him on bail in **Case Crime No. 349 of 2021, under Sections 302/34, 504, 506 of IPC, Police Station Dataganj, District- Budaun**, during pendency of trial.

3. This is the second bail application. The first bail application of applicant was rejected by this Court for want of prosecution.

4. Learned counsel for the applicant has submitted that in the F.I.R. the applicant was not assigned any specific role. He was not chargesheeted by the investigating officer. During trial he has been summoned for facing trial under section 319 Cr.P.C., which order has been affirmed by the Apex Court. Now the applicant is facing trial. It is a case of three gun shot injuries. The dimensions of all injuries are same. It appears that all the injuries were caused by same weapon. The applicant has been falsely implicated in this case. He has no criminal history to his credit and is languishing in jail since 19.06.2025. Two co-accused, namely, Mahendra Pal and Gajendra Pal, have already been granted bail by this Court in Criminal Misc. Bail Application Nos. 12373 of 2022 and 1015 of 2025 respectively. The trial in the aforesaid case is not likely to be concluded in near future.

5. 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.

6. 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 the

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 trial; larger mandate of the Article 21 of the Constitution of India, considering the paragraph no.53 of Apex Court in the case of **Manish Sisodia Vs. Directorate of Enforcement 2024, (SC) LawSuit 677** and 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.

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

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

January 9, 2026
Abhishek

(Siddharth,J.)