



2026:AHC:6247

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 28520 of 2025

Suhail

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	A.Z.Khan, Ashok Kumar Singh Bais
Counsel for Opposite Party(s)	:	Abhishe Pandey, G.A.

Court No. - 46

HON'BLE SIDDHARTH, J.

Supplementary affidavit has been filed by learned counsel for the applicant and counter affidavit has been filed by learned counsel for the informant, which are taken on record.

Learned counsel for the applicant does not wishes to file rejoinder affidavit.

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, Suhail with a prayer to release him on bail in Case Crime No. 27 of 2024, under Sections 302, 120-B IPC and Section 3/25/27 Arms Act, Police Station Nagar, District- Saharanpur, 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 6.6.2025 directing the trial court to conclude the trial against the applicant as expeditiously as possible.

Learned counsel for the applicant has submitted that there is only evidence of last seen against the applicant. It is a case of circumstantial evidence. No one has seen the actual incident. Trial has commenced. Before the trial court all the witness of fact have been examined. Only formal witness remain to be examined. The applicant has no previous criminal history to his credit and he is languishing in jail since 8.2.2024.

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.

The trial court is directed to conclude the trial against the applicant, as expeditiously as possible, as per Section 346 B.N.S.S.

January 9, 2026
Ruchi Agrahari

(Siddharth,J.)