



2026:AHC:170

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31897 of 2025

Rajjan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	G.S. Chauhan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri G.S. Chauhan, learned counsel for the applicant, Sri B.P.Singh, learned A.G.A. and perused the record.
2. This is the second bail application. First was rejected vide order dated 2.4.2024 assigning following reasons:
"(a) The applicant is main assailant and eye-witness has supported the prosecution case;
(b) The two witnesses examined during trial has also supported the case of prosecution. Considering the nature of manner of occurrence and nature of evidence, in a case of murder incarceration of four years would not be considered to be prolong detention."
3. Applicant has approached this Court by way of filing the present Criminal Misc. Bail Application under Section 483 of BNSS . in Case Crime No. 559 of 2019 under Sections 147, 148, 149, 302, 307, 504, 506 I.P.C. and 7 Criminal Law Amendment Act, Police Station- Sipri Bazar, District - Jhansi.
4. According to status report dated 26.9.2025, out of 10 proposed prosecution witnesses now 7 prosecution witnesses have been examined i.e. trial has not much proceeded after the above referred order was passed.
5. Learned counsel for the applicant by referring certain part of the statement of prosecution witnesses recorded during trial submits that no concrete evidence was brought on record and there are various contradictions. Even the presence of applicant at the spot is substantially denied. The applicant is behind jail since 6.12.2019 i.e. just more than 6 years and there is no likelihood that in case bail is granted to the applicant there is a likelihood

that he will influence any remaining witnesses.

6. Per Contra, learned A.G.A has opposed the above submissions, however he is not able to deny that trial is proceeding in a snail's speed and there is no likelihood that applicant may influence any remaining prosecution witnesses, though by referring some part of statements of witnesses, he submits that prosecution will be able to prove the case against applicant beyond reasonable doubt.

7. I have considered the above submissions and taking note of progress of trial that during last 6 years out of 10 proposed prosecution witnesses 7 have been examined and it also appears that material witnesses have already been examined, therefore Court is of the view that there is no likelihood that in case bail is granted to the applicant he will influence any witnesses.

8. Accordingly, this second bail application is **allowed**. **However it is directed applicant will ensure his presence at the concerned police station on every 15th and 30th day of every month till the trial is concluded and any application for exemption of his appearance on vague ground could be a ground for cancellation of bail by learned Trial Court without even issuing notice.**

9. Let the applicant- **Rajjan**, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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 will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails 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 I.P.C.

(iv) The Trial Court may make all possible efforts/endeavour and try to conclude the trial expeditiously, preferably within a period of six months after release of the applicant, if there is no other legal impediment.

(v) Applicant has to appear on each and every date before learned Trial Court and any application for exemption of his appearance on vague ground could be a ground for cancellation of bail by learned Trial Court without even issuing notice.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

11. It is made clear that the observations made hereinabove are only for the purpose of adjudicating the present bail application.

(Saurabh Shyam Shamshery,J.)

January 5, 2026
SB