



2026:AHC:16634

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2199 of 2026

Jitendra @ Bhate

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mukul Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. This is the second bail application. First bail application was rejected by this Court vide order dated 28.8.2025 passed in C.M.B.A. No. 29728 of 2025.

2. Heard Sri Satish Sharma, Advocate holding brief of Sri Mukul Kumar, learned counsel for the applicant as well as Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 240 of 2023, U/S 147, 302, 149, 201 of IPC, Police Station - Babupurwa, District - Kanpur Nagar, during the pendency of trial.

4. Learned counsel for the applicant has not put forward any new ground for bail except the period of incarceration which is more than two years as he is in jail since 2.9.2023. Learned counsel has stated that the fundamental rights enshrined under Article 21 of the Constitution of India stand violated. The applicant has no criminal history and in case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that already six witnesses have been examined and the trial is at its conclusive end.

6. The Supreme Court in case of *X vs. State of Rajasthan & Anr.* reported in **2024 INSC 909**, has held that once the trial has commenced, it

should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition.

7. Since no new ground could be brought up by learned counsel for the applicant and the trial is at its conclusive end, I do not find it a fit case for bail. Without expressing any opinion on the merits of the case, this Court is not inclined to release the applicant on bail.

8. The bail application is, accordingly, **rejected**.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements 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.

10. 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 22, 2026

Siddhant