



2026:AHC:12611

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17044 of 2025

Aslam Khan Alias Sonu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Girja Shanker Mishra, Om Prakash,
Pratiksha Rai, Ram Sheel Sharma,
Sanjay Kumar, Vinod Singh
Counsel for Opposite Party(s) : G.A., Prakash Veer Tripathi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Ms. Pratiksha Rai, learned counsel for the applicant, Sri Prakash Veer Tripathi, learned counsel for the informant and Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 403 of 2024, under Section 302 I.P.C., Police Station Dhanghata, District Sant Kabir Nagar, during the pendency of trial.
4. As per prosecution story, the sister of the informant is stated to be an employee in the shop of the applicant, whereby the applicant did not pay her monthly dues, rather, he attempted to commit her murder by electrocuting her and strangulating her on 25.6.2024.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by eight days and there is no explanation of the said delay caused. No time of offence is mentioned in the FIR, either. There is no visible sign of any injury on the neck of the deceased, as per the statement made by the doctor concerned. Rather, he has stated that he saw the mark on the neck but he did not state that it meant to be an attempt to strangulation.
6. Learned counsel for the applicant has further stated that the post-mortem

report further negates the prosecution story. Rather it indicates that the cause of death was shock and septicemia as a result of lung disease. The cause of death was neither the electric shock nor the strangulation. There is no criminal history of the applicant. The applicant is languishing in jail since 5.7.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay of eight days in lodging of FIR and the cause of death being septicemia due to lung disease and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Aslam Khan Alias Sonu**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 19, 2026

Shalini