



2026:AHC:12659

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 24539 of 2025

Smt Nafisa

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard learned counsel for applicant and Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Session Case No. 1900 of 2024 arising out of Case Crime No.97/368 of 2013, under Section 302 IPC, Police Station Kotwali Dehat, District Saharanpur, with the prayer to enlarge her on bail.
4. Learned counsel for the applicant has stated that as as a new ground, it is the period of incarceration on which the applicant is entitled for bail as she is in jail since 16.9.2024 and more than one year have passed since his incarceration. The victim is stated to have absconded for about eleven years. She is ready to cooperate with trial. In case, the applicant is released on bail, she will not misuse the liberty of bail.
5. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that there is a dying declaration in which the applicant has been categorically nominated.
6. After hearing learned counsel for the parties and taking into consideration the fact that there is a dying declaration, in which the applicant has been nominated, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **rejected**.

7. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments 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.

8. 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 19, 2026

Shalini