



2026:AHC:16257

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41790 of 2024

Dharmesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Brijesh Kumar Pal, Ram Bahadur Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ram Bahadur Singh, learned counsel for applicant, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.11 of 2023, under Sections 302, 201 I.P.C., Police Station- Chandausi, District- Sambhal with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. The applicant is languishing in jail since 6.1.2023, as such, he is incarcerated in jail for about three years. The trial is moving at a snail's pace, as such, there is no likelihood of conclusion of trial in near future.
5. It is further argued by learned counsel for the applicant that the applicant has been nominated on the basis of circumstantial evidence only. The fundamental rights of applicant enshrined under Article 21 of the Constitution of India stand violated. There is no criminal history of the applicant and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that it is an open and shut case as the dead body

was recovered at the pointing out of the applicant only, as such, he is not entitled for bail.

7. This Court had called for the status of trial from the concerned trial court. As per the said status report dated 5.12.2025, the case was fixed for regarding of statement of accused U/s 313 Cr.P.C./351 BNSS for 15.12.2025.

8. 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.

9. After hearing learned counsel for the parties and taking into consideration the fact that the dead body of the deceased person was recovered at the pointing out of the applicant coupled by the fact that trial is at its conclusive end, 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**.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously 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.

11. 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 21, 2026

Vikas Verma