



2026:AHC:707

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 45628 of 2024

Premsheela Alias Paramsheela

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Manauvar Husain, Mohd. Samiuzzaman Khan, Saddam Husain, Zainuddin
Counsel for Opposite Party(s)	: G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Compliance affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Mohd. Samiuzzaman Khan, learned counsel for the applicant and Dr. S. B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 179 of 2023, under Sections 323, 504, 326 and 302 IPC, Police Station Atarauliya, District Azamgarh, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant and her first bail application has been dismissed by this Court vide order dated 3.10.2023 and he is pressing the second bail application on the sole ground that applicant is in jail since 7.8.2023 i.e. for almost two and half years and till date out of 22 prosecution witnesses only two could be examined.
4. He further submitted that after rejection of the first bail application of the applicant however applicant approached the Apex Court but SLP filed by applicant has been dismissed as withdrawn.
5. He further submitted that considering the long incarceration of the applicant a report was called from the court concerned about current status of the trial which is on record and from the report it reflects, out of 22 witnesses only two could be examined till date and there is no allegation

against the applicant that he is causing delay in trial.

6. He further submitted that applicant is jethani of the deceased and in her dying declaration however deceased stated that applicant alongwith her husband burnt her but considering the long incarceration of the applicant coupled with the fact that there is no hope of early disposal of the trial applicant may be enlarged on bail specially considering the fact that she is lady.

7. He further submitted that right of speedy trial of an accused is the fundamental right and even in serious cases on its violation an accused can be released on bail and considering the facts of the case it cannot be said that fundamental right of speedy trial of the applicant has not been violated.

8. He further submitted that apart from the present case applicant is having no criminal history.

9. Per contra, learned AGA opposed the prayer for bail and submitted that this is the second bail application filed on behalf of the applicant and her first bail application has been dismissed after considering the dying declaration of the deceased in which she categorically stated that applicant who is jethani alongwith her husband burnt her.

10. He further submitted that even when applicant preferred SLP before the Apex Court against the bail rejection order passed by this Court then she had to withdraw her SLP but he could not dispute the fact that applicant is in jail in the present matter for almost two and half years and till date out of 22 witnesses in the chargesheet only two witnesses could be examined and there is no evidence that applicant is causing delay in trial.

11. He further could not dispute the fact that applicant is lady and is having no other criminal history.

10. I have heard learned counsel for the parties and perused the record of the case.

11. This is second bail application filed on behalf of the applicant and her first bail application has been rejected by this Court after considering the fact that she was jethani of the deceased and in her dying declaration deceased stated that applicant alongwith her husband burnt her but it reflects applicant is detained in jail in the present matter since 7.8.2023 i.e. for last almost two

and half years and till date out of 22 witness of the charge sheet only 2 could be examined.

12. Further, from the report of the court concerned it could not be reflected that applicant is causing delay in trial.

13. Further however it reflects against the bail rejection order passed by this Court on first bail application of the applicant, she preferred SLP (criminal) No. 3665 of 25 but the same was withdrawn on 4.3.2024.

14. Further considering the observations made by Apex Court in the cases of **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh, 2024 SCC OnLine SC 1755** and **Union of India Vs. K.A. Najeeb (2021) 3 SCC 713**, the arguments advanced by learned counsel for the applicant that right of speedy trial is fundamental right of an accused and on its violation even in serious cases an accused can be released on bail cannot be discarded.

15. Further there is no material available on record which can suggest that applicant is causing delay in trial and from the report of the court concerned it reflects that witnesses are not appearing before the trial, therefore, prima facie, it appears that fundamental right of speedy trial of the applicant has been violated.

16. Further applicant is lady and apart from the present case she is not having any other criminal history.

17. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

18. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

19. Let the applicant-**Premsheela Alias Paramsheela**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless her personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

20. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

21. 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.

January 5, 2026
Ankita

(Sameer Jain,J.)