



2026:AHC:13421

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16728 of 2025

Sonu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Manish Kumar, Vijay Pratap Singh
Counsel for Opposite Party(s) : G.A., Pankaj Sharma, Prashant Sharma

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Vijay Pratap Singh, learned counsel for applicant, Sri Satish Kumar, learned Advocate holding brief for Sri Pankaj Sharma, learned counsel for the informant and Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No. 278 of 2024, under Sections 191(2), 191(3), 74, 333, 352, 351(2), 351(3)A, 103 BNS and 7/8 POCSO Act, Police Station Simbhawali, District Hapur, with the prayer to enlarge him on bail.
4. As per prosecution story, the applicant is stated to have inflicted head injuries to the deceased as is reflected from the FIR.
5. Learned counsel for the applicant has stated that the FIR is delayed by about one day and there is no explanation of the said delay caused. The deceased has sustained only one injury on his cranium. The case is of sudden provocation, as such, it does not fall within the category of murder. Rather, it may tantamount to culpable homicide not amounting to murder. The applicant has no criminal history. He is in jail since 8.10.2024, as such, the period of incarceration is about one year and three months. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned State Law Officer and learned counsel for the

informant have vehemently opposed the bail application on the ground that this Court had called for the status of trial. The status report dated 4.12.2025 indicates that three witnesses have been examined and the cross-examination was delayed due to counsels for the applicant, as they have sought adjournments on different dates. There is likelihood of early conclusion of trial.

7. 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.

8. After hearing learned counsel for the parties and taking into consideration the advanced stage of trial, as already three witnesses have been examined and the applicant being the primary accused having inflicted fatal injury to the cranium of the deceased, 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**.

9. 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.

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 20, 2026

Shalini