



2026:AHC:128534

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20153 of 2026

Bablu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Anand Mohan Pandey, Ashwani Tiwari, Dharmendra Singh
Counsel for Opposite Party(s)	: G.A., Mahesh Chandra Tiwari

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Dharmendra Singh, learned counsel for the applicant, Sri Mahesh Chandra Tiwari, learned counsel for informant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 14 of 2024, under Sections 498A, 304B, 302, 201 IPC and Section 3/4 D.P. Act, Police Station Tajganj, District Agra during pendency of the trial.
3. Learned counsel for the applicant submits, this is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed by this Court vide order dated 22.05.2025 after considering the fact that applicant is husband of the deceased and his wife died due to throttling in her matrimonial home and there is also allegation of torture for demand of dowry but he is pressing the instant second bail application on the ground that applicant is in jail in the present matter since 14.01.2024 i.e. for last two and half years and till date out of 25 witnesses only 2 could be examined, therefore, there is no hope of early disposal of trial.
4. He further submits, there is no evidence that applicant is causing delay in trial. He further submits, applicant is not having any criminal history, therefore, considering the long incarceration of applicant, he may be enlarged on bail.
5. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, in the present matter applicant is in jail since

14.01.2024 i.e. for last two and half years but he is husband of the deceased and his wife died due to throttling and therefore prima facie it appears to be a case of murder and after considering these facts, the first bail application of the applicant was dismissed.

6. They next submits, applicant is facing trial for offence under Section 302 IPC in which minimum punishment is life imprisonment, therefore, merely on the ground of incarceration of two and half years it is not proper to release the applicant on bail in the present matter, therefore, instant bail application should be dismissed.

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

8. This is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed by this Court after considering the fact that applicant is husband of the deceased and his wife died due to throttling.

9. Further, however, applicant is pressing the instant second bail application on the ground that in the present matter he is in jail for last two and half years and till date out of 25 witnesses only 2 could be examined but considering the facts of the case and nature of allegation leveled against applicant including the fact that applicant is facing trial for offence under Section 302 IPC in which minimum punishment is life imprisonment in view of this Court it is not proper to release the applicant on bail merely on the ground of incarceration of two and half years.

10. In view of this Court there must be some balance between period of incarceration suffered by an accused, punishment provided for alleged offence and allegation leveled against an accused.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

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

13. 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.

14. However, as it reflects, in the present matter applicant is in jail since 14.01.2024 i.e. for last two and half years, therefore, trial court is directed to conclude the trial of the case as expeditiously as possible preferably within a period of one year from the date of production of certified copy of this order.

June 22, 2026
AK Pandey

(Sameer Jain,J.)