



2026:AHC:127118

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12361 of 2026

Achaman Upadhyaya @ Chhotu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudarshan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 6

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Sri Sudarshan Singh, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.57 of 2020, under Sections 302, 34 IPC, Police Station Uttar, District Firozabad, during pendency of the trial.
3. Learned counsel for the applicant submits that trail of the case is moving with languid pace and out of total 19 witnesses of the charge-sheet only 7 witnesses till date could be examined. He next submits, however applicant is having criminal history of 19 other cases but his criminal history has been explained in the instant bail application and considering the long incarceration of the applicant of more than 6.5 years, he should be released on bail.
4. Learned counsel for the applicant further submits that co-accused Govind @ Govinda has been released on bail by co-ordinate bench of this Court and applicant has neither assigned any specific role nor there is any evidence or motive to commit the murder of deceased. He further submits that all the witnesses of facts are family members of informant and no independent witness supported the prosecution case.
5. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that in the present matter applicant is in jail since

13.02.2020 i.e for last more than 6.5 years and till date only 7 prosecution witnesses could be examined out of total 19 witnesses of the charge-sheet.

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

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the judgement of the Apex Court in the Case of **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari [2014 SCC Online SC 1755]**, wherein, it has been held that even if the allegations are serious, on the ground of long incarceration and slow speed of the trial, an accused can be released on bail, in my view, applicant is entitled to be released on bail.

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

9. Let the applicant- **Achaman Upadhyaya @ Chhotu**, involved in the aforementioned crime be released on bail, on his 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 not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

10. 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.

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.

(Mrs. Vani Ranjan Agrawal,J.)

June 12, 2026
S.A.