



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4714 of 2026

Utkarsh Jaiswal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mayank Chandra, Mohd. Akif, Surya
Pratap Singh, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sr. No.68 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit and counter affidavit filed today are taken on record.
2. Heard Sri Manish Tiwari, learned Senior Advocate assisted by Sri Mayank Chandra, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.48 of 2025, under Sections 105, 336(2), 336(3), 340(2), 87, 61(2) BNS, Police Station Fazalganj, District Kanpur Nagar, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 27.8.2025 in Criminal Misc. Bail Application No.23535 of 2025.
5. Learned Senior Counsel for the applicant has argued that the case of the applicant was not properly argued earlier. It has been submitted that the allegation that the applicant was seen entering the room of the deceased at 1:40 a.m. and coming out at 2:36 a.m. by itself does not establish his involvement in the alleged offence.
6. As a fresh ground, learned Senior Counsel has contended that the mobile phone of the victim remained active even after the applicant had allegedly left the room at 2:36 a.m. In this regard, reliance has been placed upon the

CDR filed as Annexure-12 to the affidavit accompanying the bail application. The said CDR reflects that from the victim's mobile number 8299322989, an outgoing call of four seconds was made at 02:38:01 hours and another outgoing call of sixteen seconds was made at 03:33:33 hours, i.e., much after the applicant had left the room. It has further been argued that the second call was made after about an hour of the applicant leaving the room.

7. Learned Senior Counsel has further submitted that the viscera report has been received, which categorically indicates the presence of ethyl alcohol and tranquilizer. The presence of ethyl alcohol suggests consumption of liquor, while tranquilizer may be treated as sleeping pills. It has been argued that there is no material on record to suggest that the applicant had administered either the liquor or the tranquilizer to the victim.

8. It has been further argued by learned Senior Counsel for the applicant that there is no criminal history of the applicant. The applicant is languishing in jail since 21.5.2025, as such, the period of incarceration comes out to be more than eleven months. He undertakes to cooperate with the trial and not misuse the liberty of bail.

9. Learned State Law Officer has vehemently opposed the bail application.

10. This Court had called for the status of trial from the concerned trial court. As per the said status report dated 9.3.2026, even the charge has not been framed and the case was committed before the sessions court on 19.1.2026 only. Thus, the trial appears to be proceeding at a snail's pace.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the victim's mobile phone remained active for about one hour after the applicant had left her room at 2:36 a.m., and further taking into account the viscera report, which indicates the presence of ethyl alcohol and tranquilizer in it, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

12. Let the applicant- **Utkarsh Jaiswal**, be released on bail on furnishing a

personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

13. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 12, 2026
Vikas Verma