



2026:AHC:95498

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14190 of 2025

Jainuddin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhishek Tiwari, Virendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Virendra Singh, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.287 of 2021, under Sections- 302, 201 IPC, Police Station- Fatehabad, District- Agra, during the pendency of the trial.
3. This is the second bail application filed on behalf of the applicant and his first bail application has been dismissed by co-ordinate bench of this Court vide order dated 17.10.2022 passed in Criminal Misc. Bail Application No.43651 of 2022.
4. Contention of learned counsel for the applicant is that as per the prosecution story, deceased left the house on 21.08.2021 at 10 A.M. and did not return till 10 P.M. and when father of the deceased called up the deceased on his mobile phone, it was received by a policeman, who informed that his son has been murdered by slashing his neck by some unknown persons. Thereafter, an FIR was lodged and as per the postmortem, deceased received two incised wound and three stab wound. Subsequently, the applicant was arrested on the basis of statement of one

Hidayatullah who has seen the deceased in the company of the applicant on 21.08.2021, therefore, applicant was arrested and on his pointing out his blood stained clothes as well as blood stained Hasiya were recovered on 25.08.2025 and the same was sent for FSL. It is further submitted that though, Hidayatullah has narrated the same story before the trial court but the mother of the deceased has stated that she talked to the deceased at 7 P.M. on 21.08.2021 and deceased informed her that he is with the present applicant, therefore, if the mother of the deceased was aware about the presence of the applicant with the deceased then this fact could have been mentioned in the FIR. No other new ground was advanced before this Court.

5. It is further submitted that till date five witnesses have been examined out of total 22 witnesses, therefore, applicant is entitled to be released on bail during trial. It is also submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 26.08.2021. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that deceased was lastly seen in the company of applicant by witness Hidayatullah and on his pointing out blood stained cloth of the deceased and blood stained Hasiya were recovered, which were also sent for FSL. Therefore, applicant is not entitled to be released on bail.

7. Considering the aforesaid submission and taking into account the fact that, merely on mentioning the name of the applicant in the statement of mother of the deceased during trial, will not benefit the applicant as he was seen in the company of deceased by a witness and there is recovery of blood stained cloth as well as blood stained weapon and these questions can be considered during trial, this court is not inclined to release the applicant on bail.

8. Therefore, the bail application of the applicant is **rejected**.

9. However, considering the fact that this Court vide order dated 17.10.2022 directed the trial court to conclude the trial expeditiously,

preferably within a period of six months, therefore, the trial court is further directed to conclude the trial as expeditiously as possible, in compliance of the order dated 17.10.2022 passed in Criminal Misc. Bail Application No.43651 of 2022.

(Arun Kumar Singh Deshwal,J.)

April 27, 2026
S.A.