



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15213 of 2026

Rohit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dharmendra Kumar Singh, Karan Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sl. No. 10 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Dharmendra Kumar Singh, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Session Trial No. 446 of 2023, arising out of Case Crime No.58 of 2023 , under Sections 498A, 304B IPC and 3/4 D.P. Act, Police Station Gursahaiganj, District Kannauj, with the prayer to enlarge him on bail.
4. This is the second bail application filed on behalf of the applicant. The first one was rejected by this Court passed in Criminal Misc. Bail Application No. 47114 of 2023 vide order dated 18.8.2025 and following order was passed:-

"1. List has been revised.

2. Heard Sri Aushim Luthra, learned counsel for applicant, Sri Lavkush Kumar Bhatt, learned counsel for the informant, Ms. Ifra Islam, learned State Law Officer for the State and perused the material placed on record.

3. The present bail application has been filed by the applicant in Case Crime No.58 of 2023, under Sections 498A, 304B I.P.C. and Section 3/4 D.P. Act, Police Station Kotwali Gursahayganj, District Kannauj with the

prayer to enlarge him on bail.

4. As per prosecution story, the marriage of the applicant was solemnized with the deceased person as per Hindu Rites on 13.05.2021. The applicant and other family members are stated to have subjected the deceased to cruelty for demand of Rs.2 lakh and a car as dowry, thereby leading her to death on 30.01.2023 at about 4:00 p.m.

5. Learned counsel for the applicant has stated that the FIR is delayed by about fourteen hours and there is no explanation of the said delay caused. The deceased had given birth to a baby about three months before her death and she was under pressure as she had to take care of the ailing mother of the applicant as well as the said baby, as such, the said pressure led her to commit suicide. The cause of death is Ashphyxia as a result of ante mortem hanging.

6. It is further argued that applicant has strong alibi as on the date of incident the applicant was in Ahmedabad, Gujarat and certificate of his presence at the shop given by the owner of the shop-Shehjad Prints is annexed as Annexure No. 7 to affidavit accompanying the bail application. It is argued that the trial is at its conclusive end as 11 witnesses have been examined and the applicant has to prepare his defence. There is no criminal history of the applicant. The applicant is in jail since 11.02.2023, as such, he is incarcerated for about two and half years and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that after the conclusion of the prosecution evidence, the statement of accused has been recorded under Section 313 Cr.P.C. on 06.08.2025 and the trial is at its conclusive end, as such, he is not entitled for bail.

8. It is admitted by both the parties that the prosecution evidence has been closed and the statement of accused has been recorded under Section 313 Cr.P.C.

9. 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.

10. After hearing learned counsel for the parties and taking into consideration the status of trial coupled with the fact that the applicant is the husband of the deceased person and the deceased died within the precincts of the house of the applicant and in light of the judgment passed by Supreme Court in case of *X Vs. State of Rajasthan & Anr. (supra)*, I do not find it a fit case for grant of bail to the applicant.

11. The bail application is found devoid of merits and is, accordingly, rejected.

12. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously 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.

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."

ARGUMENTS ON BEHALF OF APPLICANT:

5. The fundamental rights of the applicant as enshrined in Article 21 of the Constitution of India stand violated as he is languishing in jail since 11.2.2023, as such, the period of incarceration is about three years. There is no likelihood of conclusion of trial in the near future. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

6. The perusal of the order dated 18.8.2025 indicates that the statement of

the accused person u/s 313 Cr.P.C. was already recorded on 6.8.2025 and since then, there is nothing on record to suggest that applicant cooperated in trial and what transpired is that the trial has not concluded during the intervening period of about nine months.

CONCLUSION:

7. The callous approach in taking up the trial of an under trial accused person stands deprecated.

8. After hearing learned counsel for the parties and taking into consideration the fact that the trial is almost at its logical end and the witnesses have deposed against the applicant, as such, 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, 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.)

May 6, 2026
Shalini