



2026:AHC:55332

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27037 of 2025

Sageer

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd Irteqa
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66
(Sl. No. 56 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Mohd Irteqa learned counsel for applicant, Sri R.M. Yadav, 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 Case Crime No. 123 of 2023, under Section 302 IPC and 4/25 Arms Act, Police Station Rorawar, District Aligarh, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed and there is no explanation of the said delay caused.
5. Learned counsel for the applicant has stated that even the post-mortem examination of the deceased was conducted on 27.3.2023 at about 1.40 pm and the duration of the death is stated to be 3-4 days. The applicant is in jail since 27.3.2023 as such, period of incarceration is about three years. His fundamental rights enshrined under Article 21 of the Constitution of India stand violated as there is no likelihood of early conclusion of trial in near future. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the said averment that the duration of death is 3-4 days is

wrong. Actually, it is 3/4th day implying it to be eight hours. Even otherwise rigor mortis on the body of the deceased was present which also indicates the death within 24 hours. The applicant is the husband of the deceased person and the deceased has expired within the precincts of the house of the applicant only and has sustained eleven injuries on her body. It is a brutal murder of his own wife by the applicant. There is a statement of the eye-witness Ruksana, who had witnessed the incident, as such, the applicant is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that there is eye-witness of the incident and the deceased has expired within the precincts of the house of the applicant, 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**.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible 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.

9. 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.)

March 18, 2026

Shalini