HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33793 of 2026

Nishant Chaudhary

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Chandrakesh Mishra, Sr. Advocate, Vasundhara
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Sri Daya Shankar Mishra, learned Senior Advocate assisted by Sri Chandrakesh Mishra, learned counsel for the applicant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.488 of 2024 (S.T. No.182 of 2025), under Sections 85, 123, 80(2) BNS and Section 3/4 POCSO Act, Police Station Tanda, District Rampur, during the pendency of trial.

4. This is the fourth bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 4.8.2025 passed in Criminal Misc. Bail Application No.26665 of 2025, and the following order was passed:

> *"1. List has been revised.*
>
> *2. Heard Sri Jafar Abbas, Advocate holding brief of Sri Brijesh Kumar Pandey, learned counsel for applicant, Sri Anit Kumar Shukla, 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.0488 of 2024, under Sections 85, 123, 80(2) B.N.S. and Section*

3/4 D.P. Act, Police Station Tanda, District Rampur with the prayer to enlarge him on bail.

4. 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. It has been instituted after autopsy of the deceased person as an afterthought. The cause of death could not be ascertained, as such, viscera was preserved and in viscera report organochloro insecticide has been found.

5. Learned counsel for the applicant has further stated that the said allegations that the applicant and other family members demanded Maruti car and Rs.5 lakhs as dowry are false. There is statement of one inquest witness who has stated that the information about death was given by the applicant to him about the deceased having consumed poison. There is no criminal history of the applicant. The applicant is in jail since 30.11.2024 and he is ready to cooperate with trial. 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 deceased has expired within the precincts of the house of the applicant, as such, he is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the promptness of FIR and the fact that the deceased has expired within the precincts of the house of the applicant after consuming poison, I do not find it a fit case for grant of bail to the applicant.

8. 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 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.

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."

5. The second bail application was rejected by this Court vide order dated 27.2.2026. The said application was not rejected on merits but on the ground that no new ground had been made out. The third bail application was also rejected on the same ground vide order dated 29.4.2026.

6. Learned Senior Counsel for the applicant has submitted that the prosecution has not been vigilant in producing its witnesses. Only the statement of PW-1 is on record and the said witness has not supported the prosecution case and has resiled from his earlier statements. It is true that PW-1 subsequently resiled from his earlier statement during cross-examination. However, after his examination-in-chief was recorded, PW-2 did not turn up for further examination. Therefore, the applicant's fundamental right to a speedy trial, guaranteed under Article 21 of the Constitution of India, stands violated.

7. It is further argued by learned Senior Counsel for the applicant that the applicant has been languishing in jail since 30.11.2024, i.e., for nearly two years, and there is no likelihood of the trial concluding in the near future. It is also submitted that the deceased died by suicide after consuming poison, which was subsequently identified as organochloro insecticide. In view of the prolonged incarceration and the delay in the conclusion of the trial, the applicant is entitled to be released on bail. The applicant has no criminal history and is ready to cooperate with the trial. He undertakes not to misuse the liberty of bail, if granted.

8. Per contra, learned A.G.A. has vehemently opposed the bail application.

9. This Court had called for a status report regarding the progress of the trial from the concerned trial court. As per the status report dated 29.9.2026, the statement of PW-1 was complete on 2.4.2026, while the examination-in-chief of PW-2 was recorded on 24.7.2026. Thereafter, PW-2 has not appeared before the court despite warrants having been issued against him. The aforesaid circumstances indicate that the earlier directions issued by this Court for expeditious conclusion of the trial have not been complied with.

10. Having heard learned counsel for the parties and upon consideration of the period of incarceration undergone by the applicant, which is marginally less than two years, the progress of the trial, and the fact that the deceased died after consuming poison, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Nishant Chaudhary**, be released on bail in the aforementioned case crime 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.

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

(Krishan Pahal,J.)

October 23, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad