2026:AHC:211896

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36088 of 2026

Shubham

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mukul Kumar Mishra, Umakant Chaudhary
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned State Law Officer, notice has been served to the informant on 26.9.2026.

2. Heard Sri Suraj Madhukar, learned Advocate holding brief for Sri Mukul Kumar Mishra,learned counsel for applicant, Ms. Ifrah Islam, learned State Law Officer and perused the material placed on record.

3. The present bail application has been filed by the applicant in Sessions Trial No. 1678 of 2024, arising out of Case Crime No. 81 of 2024, under Sections 363, 302, 201, 376-AB IPC and 5-M/6-J(iv) POCSO Act, Police Station Gagalheri, District Saharanpur, 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. 2532 of 2025 vide order dated 19.2.2026.

5. As a new ground, learned counsel for the applicant has stated that it is the period of incarceration on which the applicant is entitled for bail as he is in jail since 14.5.2024 and more than two years have passed since his incarceration. The 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 State Law Officer has vehemently opposed the bail application.

7. After hearing learned counsel for the parties and taking into consideration the fact that no new ground is there for pressing the second bail application, 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, 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.

10. The Registrar Compliance is directed to transmit a copy of this order to the trial court concerned for necessary compliance.

(Krishan Pahal,J.)

October 8, 2026
Shalini

Digitally signed by :-
SHALINI JAISWAL
High Court of Judicature at Allahabad