HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39335 of 2025

Sumit Alias Kalu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amir Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Amir Khan, learned counsel for the applicant, Sri Chandra Shekhar Saran, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 680 of 2023 under Section 302 IPC registered at Police Station Teelamod, District Ghaziabad during pendency of the trial.

3. It has been argued by learned counsel for the applicant that this is second bail application on behalf of the applicant and his first bail application has been rejected on merit vide order dated 25.9.2024 passed in Crl. Misc. Bail Application No. 14751 of 2024. It is next submitted that this Court while rejecting the said bail application had directed the trial court to conclude the trial as expeditiously as possible preferably within a period of one year, however, even after lapse of one year, trial is not likely to conclude in near future and the applicant has been languishing in jail since 22.11.2023. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant.

5. This is second bail application on behalf of the applicant and his first bail application has been rejected on merit vide order dated 25.9.2024. This Court while rejecting the said bail application had directed the trial court to conclude the trial as expeditiously as possible preferably within a period of one year, however, till date, only four witnesses have been examined so far and the trial is not likely to conclude in near future and the applicant has been languishing in jail since 22.11.2023.

6. Considering the period of incarceration of the applicant and other attending facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in ***2024 SCC Online All 6765*** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Sumit Alias Kalu** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of ***Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021*** decided on 31.01.2023 reported in ***(2024) 10 SCC 685.***

12. Learned trial court is directed to expedite the trial of the present case as expeditiously as possible preferably within a period of one year.

13. Registrar (Compliance) is directed to communicate this order to the learned trial court through the learned District & Sessions Judge, Ghaziabad within ten days.

(Jitendra Kumar Sinha,J.)

October 23, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad