HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41904 of 2025

Rakesh Kushwaha

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shantanu, Vikram Singh Shrivastava
Counsel for Opposite Party(s)	:	G.A., Jaysingh Yadav

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Rahul Saxena, holding brief of Shri Vikram Singh Shrivastava, learned counsel for the applicant, Shri Ashutosh Yadav, holding brief of Shri Jaysingh Yadav, learned counsel for the first informant and Shri B.P. Maurya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 37 of 2024, under Sections 147, 148, 149, 354, 323, 504, 506, 304 of I.P.C., Police Station Saujana, District Lalitpur, during the pendency of the trial.

3. This is the third bail application filed on behalf of the applicant and his first bail application was rejected on merits by this Court vide order dated 24.01.2025 passed in Criminal Misc. Bail Application No.2484 of 2025 and the trial Court was directed to expedite the trial expeditiously and preferably within a period of one year. It is further submitted that the second bail application was rejected by this Court vide order dated 08.07.2025 passed in Criminal Misc. Bail Application No.19153 of 2025 and the same was filed within the stipulated period of one year from the rejection of the first bail order. It is further submitted that till date only five witnesses out of 17 proposed have been examined before the learned trial Court and the trial is not likely to conclude in near future. It is further submitted that the applicant is having no criminal history and the applicant has been languishing in jail since 20.04.2024, in case, he is

granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail.

5. This is the third bail application filed on behalf of the applicant and his first bail application was rejected on merits by this Court vide order dated 24.01.2025 passed in Criminal Misc. Bail Application No.2484 of 2025 and the trial Court was directed to expedite the trial expeditiously and preferably within a period of one year. It is further submitted that the second bail application was rejected by this Court vide order dated 08.07.2025 passed in Criminal Misc. Bail Application No.19153 of 2025 and the same was filed within the stipulated period of one year from the rejection of the first bail order. It is further submitted that till date only five witnesses out of 17 proposed have been examined before the learned trial Court and the trial is not likely to conclude in near future. It is further submitted that the applicant is having no criminal history and the applicant has been languishing in jail since 20.04.2024.

6. Considering the entire 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. Accordingly, the present application is **ALLOWED**.

8. Let the applicant- **Rakesh Kushwaha** 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.

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

10. 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.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent**, Lalitpur 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.

13. However, learned trial Court is directed to conclude the trial expeditiously and preferably within a period of one year.

(Jitendra Kumar Sinha,J.)

October 23, 2026
RKM

Digitally signed by :-
RAJESH KUMAR MAURYA
High Court of Judicature at Allahabad