



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10658 of 2025

Satish

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arun Kumar Sharma, Zafar Ali
Counsel for Opposite Party(s)	:	G.A.

Court No. - 50

HON'BLE AJAY BHANOT, J.

Matter is taken up in the revised call. This is the second bail application.

The applicant is in jail since 19.10.2023.

Status report sent by the trial court records that the prosecution proposes to examine 16 prosecution witnesses to bring home the charges. However, till date only 8 witnesses have been examined.

Shri Arun Kumar Sharma, learned counsel for the petitioner contends that the directions issued by this Court on 12.08.2024 in Criminal Misc. Bail Application No. 21298 of 2024 have not been complied with by the learned trial court. The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant is not responsible for the delay in the trial proceedings. The prosecution is deliberately delaying the conduct of the trial to prolong the incarceration of the applicant. Inordinate delay in concluding trial will lead to an indefinite detention of the applicant. The right of the applicant to speedy trial has been violated.

While deciding the first bail application registered as Criminal Misc. Bail Application No. 21298 of 2024 this Court had alerted the learned trial court of the right of the accused to speedy trial.

Various directions were also made upon the learned trial court to expedite the trial and to implement the mandate of Section 309 Cr.P.C./346 BNSS.

Prima facie, it appears that the directions of this Court have not been complied with and this is a rather distressing state of affairs. Disobedience of orders of this Court by the learned trial court strikes directly at the root of the rule of law.

The learned District Judge as well as learned trial court shall send separate reports regarding the manner of compliance of the directions issued by this Court in Criminal Misc. Bail Application No. 21298 of 2024.

Learned trial judge shall also send a separate report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No. 90 of 2023 at Police Station-Jaitpur District-Agra under Sections 302, 201, 504 I.P.C., and also the following details in tabulated form:-

- (1) Dates on which chargesheet was filed and the charge was framed.
- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.

(7) Names and number of witnesses against whom coercive measures have been taken out with dates.

List this case on 07.10.2025.

Needless to add, none of the above observations shall be construed adversely against any judicial officer unless the learned District Judge comes to any other conclusion.

Joint Director (Prosecution) shall file an affidavit on the next date of listing disclosing the total number of witnesses proposed to be examined and nature of such witnesses.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Agra by the Registrar (Compliance) by email.

(Ajay Bhanot,J.)

August 27, 2025
Dhananjai