



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33040 of 2024

Tahabbar Ali @ Tasabbar Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Krishna Kumar Shukla
Counsel for Opposite Party(s)	: Alauddin, Fakhruddin, G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.

Matter is taken up in the revised call.

None appears on behalf of the applicant to press the bail application. Name of the learned counsel for the applicant is shown in the cause list. The appellant is in jail since 29.04.2018.

The matter cannot be dismissed for non-prosecution in view of the judgement rendered by this Court in **Criminal Misc. Bail Application No.18536 of 2020 (Maneesh Pathak v. State of U.P.)**. This Court also takes notice of some realities of criminal litigation in the State. Prisoners often do not have any control over the non appearance of their counsels in courts. A prisoner whose counsel fails to turn up before the Court when the bail is taken up for hearing, become a victim of undeserved want within the meaning of Section 12(e) of the Legal Services Authorities ('LSA') Act, 1987. Such prisoners cannot be bereft of legal aid and left to their own devices. Absence of counsels has to be seen in light of various socio-economic realities. Many under trials are financially destitute. They are at times abandoned by their family members and often lack effective pairokars. Such persons are unable to foot the expenses for getting the matter listed on a regular basis. On occasions counsels for such applicants stop appearing when expenses are not borne by the prisoners.

In the wake of these circumstances the appropriate course for the courts are always to seek the opinion of the accused persons before appointing an amicus curiae. However, considering the length of imprisonment of the applicant this Court has decided to appoint an amicus curiae in the facts of this case.

Shri Sharique Ahmed (A/S0880/2012), learned counsel is appointed as amicus curiae to represent the applicant and assist the Court.

Shri Kiriti Kunal, Secretary, High Court Legal Services Committee shall facilitate video conference of the applicant with the learned amicus curiae to enable the learned amicus curiae to prepare the matter.

The District Legal Services Authority shall also render assistance in getting details of the criminal history of the applicant.

A copy of the bail application along with the other records shall be provided to the learned amicus curiae by the High Court Legal Services Committee.

District Legal Services Authority and Secretary, High Court Legal Services Committee shall render all assistance to the learned amicus curiae.

In the meantime, learned trial court to send a report regarding the cause for the delay in the trial and shall disclose the status of the trial in Case Crime No.47 of 2018 under Sections 498A, 304B IPC read with Section 3/4 of the D.P. Act Police Station-Bhawaniganj, District-Siddharth Nagar along with 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 in the next cause list.

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

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

A copy of this order shall also be communicated to the learned amicus curiae.

(Ajay Bhanot,J.)

February 18, 2026

Ashish Tripathi