



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37216 of 2024

Rakesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Birendra Singh, Yash Pratap Singh
Counsel for Opposite Party(s)	: G.A., Pratap Singh, Rajesh Kumar

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 counsel for the applicant is shown in the cause list.

This is the third bail application. The applicant is in jail since 25.11.2019.

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 paurokars. 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.

Ms. Sonakshi Arora, learned counsel (A/S 0148/2021) 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 file affidavit on behalf of the applicant.

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

A copy of the bail application along with the relevant documents 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 to prepare the matter.

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.319 of 2019 under Sections 498A, 304B I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station Sahawar District-Kasganj 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 on 26.02.2026.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Kasganj by the Registrar (Compliance) by e-mail.

A copy of this order translated in Hindi shall be provided to the accused in jail through the District Legal Services Authority.

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

(Ajay Bhanot,J.)

February 25, 2026

Dhananjai