



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 42955 of 2025

Mohammad Alias Mohammad Shaan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ganesh Shanker Srivastava, Vinod
Kumar Maurya

Counsel for Opposite Party(s) : G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.

This is the third bail application. The applicant is in jail since 28.01.2020.

Shri Ganesh Shanker Srivastava, learned counsel for the applicant contends that the directions issued by this Court on 03.10.2024 in Criminal Misc. Bail Application No.30323 of 2024 have not been complied with by the learned trial court. Only two witnesses have been examined.

Learned counsel for the applicant further submits that 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.30323 of 2024 on 03.10.2024, 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 by order dated 03.10.2024 to expedite the trial and to implement the mandate of Section 309 Cr.P.C./346 BNSS.

Prima facie there appears to be a disobedience of the directions of this Court by the learned trial court.

Learned District Judge shall examine the matter and send a separate report regarding prima facie disobedience of the aforesaid directions of this Court by the learned trial court and the cause for the delay in concluding the trial.

Learned trial court to send a report regarding the compliance of the said directions of this Court on 03.10.2024 and cause for the delay in the trial and shall disclose the status of the trial in Case Crime No.832 of 2019 under Section 302 I.P.C., Police Station-Dhoomanganj, District-Prayagraj 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.

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

List after four weeks.

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

(Ajay Bhanot,J.)

December 11, 2025

Ashish Tripathi