



S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).8215/2024

(Arising out of impugned final judgment and order dated 02-02-2024 in CRMBA No.24123/2019 passed by the High Court Of Judicature At Allahabad)

MUBARAK ALI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

Date : 05-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s)

Ms. Stuti Singh, Adv.  
Mr. Amit Kumar, Adv.  
Ms. Mridula Ray Bharadwaj, AOR

For Respondent(s)

Mrs. Rachna Gupta, AOR  
Mr. Anil Kumar Sinha, Adv.  
Mr. Abhishek Misra, Adv.  
Ms. Deepika Mishra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard Ms. Stuti Singh, learned counsel appearing for the petitioner. Also heard Ms. Rachna Gupta, learned counsel appearing for the State of Uttar Pradesh.

2. It is submitted that the petitioner is in custody as an under-trial for about 7 years since he was arrested on 01.12.2017 in connection with the unnatural death of his wife. It is also submitted that the three other co-accused have been granted bail.

3. On the other hand, Ms. Gupta, learned counsel appearing for the State would submit that this was a case of unnatural death of the petitioner's wife, within 6 months of marriage with the petitioner. Therefore, the provisions of Section 304B of the IPC is attracted. It is then pointed out that already 7 witnesses have been examined and direction should be given for expeditious conclusion of the trial, instead of considering bail.

4. On the other hand, it is seen that the High Court had directed early conclusion of the trial within six months. The time granted by the High Court is already over and the prosecution intends to examine 10 more witnesses. This indicates that the trial is unlikely to conclude on a near date.

5. The continuous detention for prolonged period (7 years in this case) would undermine the right of expeditious trial guaranteed under Article 21 of the Constitution of India. Since the State has failed to ensure early conclusion of the trial notwithstanding time frame fixed by the High Court, a case for grant of bail is made out by the petitioner who is incarcerated in connection with his wife's death.

6. Having considered the above circumstances and the fact that the other co-accused have been granted the liberty, we deem it appropriate to grant bail to the petitioner. Accordingly, the petitioner (Mubarak Ali) be released on bail in connection with the case arising out of FIR No.499/2017. Appropriate bail conditions be imposed by the learned Trial

Court. The petitioner, however, is expected to cooperate with the ongoing Trial.

7. Before parting with the case, it is noticed that there are many instances of prolonged trial and on that basis the accused who are charged with even heinous crimes, are getting the opportunity to seek bail. Since several such cases have come to the notice of this Court, we deem it appropriate to request the Hon'ble Chief Justice of the Allahabad High Court to take appropriate measures in coordination with State Authorities and the concerned Presiding Officer of the concerned Courts for ensuring expeditious conclusion of Trial particularly in heinous crimes and crimes against women and children.

8. A copy of this order be communicated to the Hon'ble Chief Justice of Allahabad High Court, Chief Secretary and Legal Remembreancer of the State, for taking appropriate steps.

9. With the above order, the Special Leave Petition is disposed of. Pending application(s), if any, stand closed.

(DEEPAK JOSHI)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR