

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 973 OF 2009
(Arising out of SLP(Crl.) No. 6806/2008)

Shailendra Kumr Upadhyay

.. Appellant(s)

Versus

State of U.P.

.. Respondent(s)

ORDER

Leave granted.

This appeal is directed against order dated 30th October, 2007 passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Second Bail Application No. 20447 of 2007. By the impugned order, second application filed by the appellant for grant of bail has been dismissed.

We have heard learned counsel for the parties.

The appellant is facing trial for offence punishable under Sections 420/419,467/408/218,409 I.P.C. He was arrested on 4th May, 2006. While rejecting the bail application, taking note of the fact that the appellant was in jail for the last one and half years, the High Court has directed the Trial Court to complete the trial within a period of three months. As noted earlier, the said direction was issued by the High Court as far back as on 30th October, 2007. Admittedly, the trial has not yet been concluded. In

fact on a pointed query by us, learned counsel for the State is not in a position to answer as to how many witnesses have already been examined and how many still remain to be examined.

Having regard to all these facts, we are of the opinion, that it is a fit case where the benefit of regular bail should be granted to the appellant till the completion of the trial. Accordingly, the appeal is allowed; impugned order is set aside and it is directed that the appellant shall be admitted to bail on his furnishing personal bond in the sum of Rs. 25,000/- with two sound sureties in the like amount to the satisfaction of the trial Court.

.....J.

[D.K. JAIN]

.....J.

[R.M. LODHA

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NEW DELHI,
MAY 08, 2009.

JUDGMENT