



ITEM NO.23

COURT NO.7

SECTION II

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). 9430/2026

[Arising out of impugned final judgment and order dated 28-01-2026 in CRMB No. 43979/2024 passed by the High Court of Judicature at Allahabad]

VICKKI YADAV @ VIKAS YADAV

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 155213/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 155212/2026 - EXEMPTION FROM FILING O.T.

IA No.164166/2025 - CONDONATION OF DELAY IN FILING))

Date : 25-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Shwetank Sailakwal, AOR
Mr. Mayank Suryan, Adv.
Ms. Abhinanda Bhuyan, Adv.
Mr. Alok Mishra, Adv.

For Respondent(s) :

Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.
Mr. Venkat Narayan, Adv.

Mr. Akash, Adv.
Mr. Abijit Singh, Adv.
Ms. Chanchal, Adv.
Mr. Srajan Shankar Kulshrestha, Adv.
Mr. Mahesh Dutt Shukla, Adv.
Mr. Ashish Pandey, AOR
Mr. Danish Alvi, Adv.

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

1. Delay condoned.
2. The petitioner has been denied regular bail by the High Court in connection with Case Crime No.116 of 2017 registered with Cantonment Police Station, District Gorakhpur, Uttar Pradesh under Sections 147, 148, 149, 120-B, 302 of the Indian Penal Code, 1860 (for short, "the IPC") respectively.
3. We take notice of the fact that the petitioner is in judicial custody as an under-trial prisoner past more than 9 years. The trial is in progress. We are informed that the trial is at the fag end.
4. The learned counsel appearing for the petitioner brought to our notice that the co-accused of the very same Case Crime, namely, Vaibhav Singh, came before this Court and he was ordered to be released on bail vide order dated 29th April, 2026. The order passed in the case of the co-accused namely, Vaibhav Singh, referred to above, reads thus:

- "1. Exemption Application is allowed.*
- 2. A very shocking matter with a very disappointing impugned order has come up before us early in the morning today.*
- 3. The petitioner has been denied regular bail by the High Court of Judicature at Allahabad in connection with Case Crime No.116 of 2017 registered with Police Station Cantt., District*

Gorakhpur, State of Uttar Pradent for the offence punishable under Sections 2 147, 148, 149, 120-B, and 302 of the Indian Penal Code, 1860 (for short "IPC") respectively.

4. Upon completion of the investigation, charge sheet came to be filed.

5. With the committal of the case to the Court of Sessions, the same culminated in Sessions Case No.331 of 2017 pending as on date in the Court of Special Judge, E.C. Act.

6. We take notice of the fact that the petitioner was arrested in connection with the alleged crime on 7th March, 2017.

7. It's been almost nine years that the petitioner is in judicial custody as an under-trial prisoner.

8. What is most disappointing is what has been observed by the High Court in Para 8.

9. Para 8 reads thus:

"The Supreme Court in case of X vs. State of Rajasthan & Anr., 2024 INSC 909 has held that once the trial has commenced, it should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition."

10. It appears that the High Court has not been able to understand the true purport and ratio of the decision of this Court, referred to, in para 8. All that the High Court ought to have considered is the fact that the petitioner is languishing in jail as an undertrial prisoner past nine years. What more was required for the High Court to consider the plea of the petitioner for bail, keeping his right of speedy trial in mind as enshrined under Article 21 of the Constitution.

11. We believe we should not wait even for the State to appear. This is a gross case wherein the fundamental right of the petitioner to have a speedy trial as enshrined under Article 21 of the Constitution could be said to have been infringed.

12. In many of our Judgments and on many occasions, we have said in so many words that howsoever grave the crime may be, but if the accused is denied his right of speedy trial and

is languishing in jail for years together and for no fault on his part, he cannot be kept in jail for indefinite period.

13. In view of the aforesaid, we order that the petitioner be released on bail forthwith, if not required in any other case, subject to terms and conditions that the trial court may deem fit to impose.

14. With the aforesaid, the Special Leave Petition stands disposed of.

15. Pending applications, if any, also stand disposed of."

5. At this stage, we need to clarify a little. The High Court in paragraph 8 of the impugned order has referred to one of the judgments of this Court titled *X v. State of Rajasthan & Anr.* 2024 INSC 909. According to the High Court, the judgment of this Court says that if the trial is in progress and the offence is one like murder, then ordinarily the Court should not consider the plea for bail and allow the trial to proceed further. However, the dictum as laid in the said judgment should be understood in the facts of each case. If an accused is in jail past 9 years, as an under-trial prisoner, then he deserves to be released on bail because it is a right as enshrined under Article 21 of the Constitution that could be said to be violated.

6. In view of the aforesaid, we order that the petitioner be released on bail forthwith, if not required in any other case, subject to terms and conditions that the trial court may deem fit to impose.

7. With the aforesaid, the Special Leave Petition stands disposed of.

8. Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER