

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1785 of 2023

Applicant :- Dharmendra

Opposite Party :- State of U.P.

Counsel for Applicant :- Satya Prakash Chaturvedi

Counsel for Opposite Party :- G.A., Surendra Singh

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Satya Prakash Chaturvedi, learned counsel for the applicant; Sri Surendra Singh, learned counsel for the informant and Dr. S. B. Maurya, learned AGA-I for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 14 of 2020, under Section 302 IPC, Police Station Kotra, District Jalaun, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that this is second bail filed on behalf of the applicant and his first bail application has been dismissed by this Court vide order dated 7.4.2021 passed in Crl. Misc. Bail Application No. 41907 of 2020 and he is pressing the instant second bail application on the ground that during trial witnesses of facts have appeared before the trial court and there are material contradictions in their testimony.
5. He further submitted that it is a case of circumstantial evidence and applicant is in jail since 21.3.2020 i.e. for more than three and half years and till date trial of the case could not be concluded and only seven prosecution witnesses could be examined.
6. He further submitted that applicant is having no criminal history and therefore, looking into the facts and circumstances of the case, applicant may be released on bail.
7. Per contra, learned AGA and learned counsel for the informant opposed the prayer for bail and submitted that after considering the entire facts of the case the first bail application of the applicant has already been dismissed and as major chunk of the prosecution

witnesses has already been examined, therefore, it would not be appropriate to release the applicant on bail.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that this is second bail application filed on behalf of the applicant and seven prosecution witnesses have already been examined, I am not inclined to release the applicant on bail.

10. Accordingly, the instant bail application is ***rejected***.

11. However, considering the fact that applicant is in jail for more than three and half years, trial court is directed to conclude the trial of the case within ***seven months*** from the date of production of certified copy of this order strictly as per provision of section 309 Cr.P.C. on day-to-day basis without granting any unnecessary adjournment to either of the parties, if there is no legal impediment.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.11.2023

Ankita