

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9504 of 2023

Applicant :- Ashwani Kumar Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Narendra Nath Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamsbery,J.

1. This is the second bail application. The first bail application was rejected on merits by this Court vide order dated 18.5.2022.

2. By means of this application, the applicant has prayed to release him on bail in S.T. No.433 of 2019, arising out of Case Crime No.331 of 2019, under Sections 302/34, 120-B, I.P.C., Police Station-Kasya, District-Kushi Nagar.

3. Heard Sri Narendra Nath Tripathi, learned counsel for the applicant, Sri Paritosh Malviya, learned A.G.A.I and perused the record.

4. In pursuance of order passed by this Court, Trial Court has submitted a report on 3.8.2023 in respect of present status of trial wherein it has been submitted that at this stage testimony of nine prosecution witnesses have already been recorded and statement of only two prosecution witnesses are yet to be recorded.

5. Learned counsel for the applicant has no instructions about present status of trial.

6. In the aforesaid circumstances, since the trial is at the fag end, therefore, I do not find any ground to allow this second bail application. Therefore, second bail application is **rejected**. However, trial court is directed to conclude the trial within a period of two months from today, if there is no legal impediment.

Order Date :- 1.12.2023

SB