

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 23730 of 2022

Applicant :- Ishamuddin

Opposite Party :- State of U.P.

Counsel for Applicant :- Saleem Ahmad, Pranshu Dwivedi, Ram Prakash Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Pranshu Dwivedi, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 350 of 2020, under Sections 302, 506 IPC, Police Station- Baradari, District- Bareilly, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Court on 18.11.2020 and he is pressing the instant second bail application on the ground that applicant is in jail in the present matter since 16.04.2020 i.e. for more than three and half years and till date, trial of the case could not be concluded. He further submitted that from the record, it appears that trial of the case is moving with languid pace and there is no hope of its early disposal, therefore, considering the long incarceration of more than three and half years, applicant should be enlarged on bail.
4. Per contra, learned AGA opposed the prayer for bail and submitted that after considering the entire facts of the case, first bail application of the applicant was dismissed by this Court and applicant is facing trial under Section 302 IPC, in which minimum punishment is life imprisonment, therefore, it is not proper to release the applicant on bail merely on the ground of incarceration of more than three and half years.
5. I have heard learned counsel for the parties and perused the record of the case.

6. The instant second bail application has been pressed on the sole ground that applicant is in jail for last more than three and half years but from the order of first bail application dated 18.11.2020 passed by this Court, it appears that there are eye witness account and after considering the entire facts of the case, first bail application of the applicant was dismissed. I find force in the argument advanced by learned AGA that it is a case of Section 302 IPC and merely on the ground that applicant is in jail for more than three and half years, it is not proper to release him on bail.

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

8. 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.

9. 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 a period of one year from the date of production of certified copy of this order in accordance with law without granting any unnecessary adjournment to either of the parties, if there is no legal impediment.

Order Date :- 29.11.2023

KK Patel