

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 27276 of 2021

**Applicant :-** Praveen

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Sunil Vashisth, Mayank Singh, Ram Dulare Singh, Ram Milan Dwivedi, Ramesh Kumar Sahu, Sanjay Singh

**Counsel for Opposite Party :-** G.A., Mayank Singh

**Hon'ble Sameer Jain, J.**

1. Heard Sri Sanjay Singh, learned counsel for the applicant and Sri Mayank Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 09 of 2020, under Sections 302, 34 IPC, Police Station- Khandauli, District- Agra, 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 by this Court on 15.03.2021 and he is pressing the instant second bail application on the ground that applicant is in jail since 13.01.2020 i.e. for more than three and half years and till date, trial of the case could not be concluded and till date, only two prosecution witnesses could be examined, however, in the charge sheet there as as many as 17 prosecution witnesses, therefore, there is no hope of its early disposal.
4. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that it is a case under Section 302 IPC, in which minimum punishment is life imprisonment which can be extended upto capital sentence, therefore, merely on the basis of incarceration of more than three and half years, applicant should not be released on bail. They further pointed out that first bail application of the applicant was dismissed by this Court with a detailed and reasoned order.
5. I have heard learned counsel for the parties and perused the record of the case.

6. However, from the record, it reflects that applicant is in jail in the present matter for more than three and half years but this is the second bail application and first bail application of the applicant was dismissed by this Court on merit on 15.03.2021.

7. Further, from the order dated 15.03.2021, it reflects that it is the detailed and reasoned order and therefore, I am not inclined to release the applicant at this stage on bail.

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

9. 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.

10. 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 nine months from the date of production of certified copy of this order, strictly as per the provisions 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.

**Order Date :- 1.11.2023**

KK Patel