

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19570 of 2023

Applicant :- Ajit

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Saxena, Priya Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Amit Saxena, 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. 18 of 2019, under Sections 452, 323, 324, 302, 504 IPC, Police Station Usawan, District Budaun during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant and his first bail application has been dismissed on merit on 10.12.2019 and he is pressing the instant bail application on the ground that applicant is in jail in the present matter since 15.2.2019 i.e. for more than four and half years and trial of the case till date could not be concluded however he submitted that trial of the case is at advance stage and dates are being fixed for final hearing.

4. He further submitted that even if trial is at advance stage then also there is no bar to release the applicant on record.

5. He further submitted that applicant is having no criminal history and in the present matter applicant is in jail since 15.2.2019 i.e. for more than four and half years

6. Per contra, learned AGA opposed the prayer for bail and submitted that as trial of the case is at its last leg and dates are being fixed for final hearing, therefore, it would not be appropriate to release the applicant on bail, at this stage.

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

8. However applicant is in jail for last more than four and half years but this is second bail application filed on behalf of the applicant and trial of the case is at advance stage and even as per learned counsel for the applicant dates are being fixed in the matter for final argument, therefore, I am not inclined to release the applicant on bail, at this stage.

9. Accordingly, the instant bail application stands ***rejected***.

10. However, considering the fact that applicant is in jail for last more than four and half years and trial is at its last leg trial court is directed to conclude the trial within ***three months*** 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.

11. 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 :- 14.12.2023

Ankita