

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34430 of 2021

Applicant :- Shahzad @ Guddu

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Vashisth, Shakti Singh

Counsel for Opposite Party :- G.A., Adil Khan

Hon'ble Sameer Jain, J.

1. Heard Sri Sunil Vashisth, learned counsel for the applicant; Sri Adil Khan, learned counsel for the opposite informant and Ravi Kant Kushwaha, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 20 of 2020, under Sections 498-A, 304B, 323 IPC and 3/4 D.P. Act, Police Station Saidnagli, District Amroha, during pendency of the trial in the court below.

3. FIR of the present case was lodged against the applicant and his family members and according to the FIR, marriage of the daughter of the informant was performed with the applicant on 24.3.2019 and applicant and his family members tortured her for Rs. Ten lacs and on 21.1.2020 they have turned her out from her matrimonial home and since then she was residing in her paternal home and on 26.1.2020 at about 3 pm in the afternoon applicant alongwith two other persons came to the house of the informant and had taken his daughter.

4. It is further mentioned in the FIR that the daughter of the informant was pregnant and on 27.1.2020 at about 11 am informant received an information that the dead body of his daughter is lying in an orchard of one one Dharmpal.

5. Learned counsel for the applicant submitted that applicant is husband of the deceased and entire allegations made against the applicant are totally false and he never took the deceased from her paternal home and actually after dispute, deceased started living in her paternal home and it appears that from her paternal home she had gone somewhere and some unknown person committed her murder and applicant being husband of the deceased has been roped in the present matter.

6. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 11.2.2020 i.e.

for more than three and half years.

7. He further submitted that although applicant is in jail for three and half years but till date only two prosecution witnesses could be examined and therefore, it appears that trial of the case is moving with languid pace and there is no hope of its early disposal.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is husband of the deceased and he had taken the deceased from her matrimonial home and thereafter her dead body was found.

9. They further submitted that as per post mortem of the deceased, she sustained as many as 14 injuries and according to the doctor she died due to throttling and therefore, it is a case of homicidal death and therefore, although applicant is in jail for more than three years, but he should not be released on bail.

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

11. However, from the record it reflects that applicant is in jail in the present case for more than three and half years but he is the husband of the deceased and as per allegation he had taken the deceased from her paternal home and after that her dead body was found and from perusal of the post mortem report, it appears that deceased sustained as many as 14 injuries and according to the doctor she died due to throttling, therefore, it appears to be a case of homicidal death.

12. Therefore, considering the facts and circumstances of the case, I am not inclined to release the applicant on bail.

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

14. 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 nine 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.

15. 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 :- 30.10.2023

Ankita