

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25979 of 2023

Applicant :- Khalid

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Khalid

Counsel for Opposite Party :- G.A., Vipin Kumar

Hon'ble Dr. Gautam Chowdhary, J.

1. Heard Shri Mohammad Khalid, the learned counsel for the applicant, Shri Rajendra Singh, the learned A.G.A. for the State as well as Shri Sandeep Kumar Shukla, Advocate, holding brief of Shri Vipin Kumar, the learned counsel for the informant and perused the record.

2. By means of the instant bail application, the applicant has sought for his enlargement on bail in Case Crime No. 533 of 2020, under Sections 302, 504, 506 I.P.C., Police Station Kasganj, District Kasganj.

3. Learned counsel for the applicant submits that applicant though there is allegation against the applicant in the F.I.R. as well as in the statement of complainant recorded before the police, but in his statement before the trial court one prosecution witness, P.W.1 has specifically stated that he has implicated falsely three other accused persons and similarly prosecution witness, P.W.2 in his statement recorded before the trial court has given clean chit to other three accused persons, thus, statements of prosecution witnesses, P.W.1-complainant and P.W.2 are self contradictory with the version of F.I.R. and with the statement of complainant recorded under Section 161 Cr.P.C. Learned counsel for the applicant further submits that on 30.06.2021 while rejecting the first bail application of the applicant, this Court directed the trial court to conclude the trial expeditiously, but till date trial has not been concluded and it is still pending. He next submits that applicant is in jail since 24.07.2020, having no criminal history and has already undergone a substantial period of incarceration, therefore, he may be enlarged on bail.

4. Per contra, learned A.G.A. as well as learned counsel for the informant vehemently opposed the prayer for bail by stating that

prosecution witness, P.W.2-Shadab, who is son of the applicant and the deceased, in his statement recorded before the trial court has specifically stated that incident took place in his presence. It has further been submitted that all the independent witness including P.W.1 and P.W.2 have alleged that applicant killed his wife by giving several blows of knife. It is a brutal murder and as per the postmortem report there are as many as 15 injuries of knife found on the person of the deceased and further knife and blood stained shirt have also been recovered on the pointing out of the applicant, therefore, he does not deserve to be enlarged on bail.

5. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering that applicant has actively participated in the commission of crime which has been witnessed by the witnesses, without expressing any opinion on the merits of the case, no case for bail has been made out.

6. Accordingly, the bail application of applicant-**Khalid**, is **rejected**.

7. However, trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously.

Order Date :- 8.12.2023

Mustaqeem.