

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26553 of 2023

Applicant :- Ruchit Babu

Opposite Party :- State of U.P.

Counsel for Applicant :- Manvendra Nath Singh, Vipin Gangwar

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamsbery, J.

1. Heard Sri Vipin Gangwar, learned counsel for applicant and Mrs. Sujata Chaudhary, learned AGA for State.

2. This is second bail application filed by applicant-Ruchit Babu in Case Crime No. 25 of 2021 (Session Trial No. 87 of 2022), under Sections 498A, 304B, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Nawabganj, District Bareilly. First bail application for applicant was rejected vide order dated 06.04.2023 by giving following reasons:

“In the present case, a young bride has not able to see her first marriage anniversary and she died other than normal circumstances within 8 to 9 months of marriage. In viscera report, a poisonous substance was found. The evidence collected during investigation is also prima facie against the applicant that ingredients of offence appear to be present. The other argument of learned counsel for applicant are akin to their proposed defence which cannot be considered at this stage.

In these circumstances, considering the allegations against applicant and that victim died within 8-9 months of her marriage and nature of evidence collected during investigation which prima facie is against applicant, therefore, I do not find any ground to grant bail to applicant at this stage.”

3. In pursuance of this Court's order dated 25.09.2023 Trial Court has submitted report dated 25.10.2023 that out of proposed 15 prosecution witnesses, two have been examined and statement of prosecution witness no. 3 is underway.

4. Learned counsel for applicant submits that trial proceeding in a snail speed and prosecution witnesses have appeared only after coercive measures were taken.
5. Learned AGA appearing for State submits that now trial is proceeding and witnesses have been examined at length who have supported case of prosecution.
6. In the present case, subsequent event for consideration is only the prolong detention and status of trial. Applicant is in jail since 23.11.2021, i.e., for a period of less than two years.
7. As referred above, this Court has rejected first bail application by a reasoned order. No doubt that trial is proceeding in a snail speed which is against the spirit of speedy trial, however, at this stage considering the period of detention which is just less than two years, I do not find any reason to release applicant on bail.
8. In view of above and taking note that applicant is in jail since 23.11.2021, the application is disposed of with observation that Trial Court shall take all endeavour to conclude trial within a period of six months from today, if there is no legal impediment. Applicant is at liberty to renew his bail application after a period of six months, if trial is not concluded.

Order Date :- 26.10.2023

AK