

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40871 of 2020

Applicant :- Virendra

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjeev Kumar Singh, Santosh Kumar Tiwari, Santosh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.340 of 2017 at Police Station-Rampur Karkhana, District-Deoria under Sections 498A, 304B, 201 IPC and Section 3/4 of the D.P. Act. The applicant is in jail since 23.03.2019.

The bail application of the applicant was rejected by the learned trial court on 13.03.2020.

The following arguments made by Shri Santosh Kumar Tiwari, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the father-in-law of the deceased.
2. The applicant did not harass the deceased or demand dowry.
3. The applicant never interfered in the marital life of the victim and her husband. He resided separately along with

his wife.

4. The deceased was a temperamental lady who became depressed as her husband passed away about 6 months after her marriage. Thereafter, she resided separately.

5. The deceased died of natural causes.

6. The applicant did not aid or abet the suicide.

7. The prerequisites for attracting the presumption and reversing the burden of proof are not established in the facts and circumstances and evidence of the case.

8. The applicant is a law abiding citizen and had always cooperated with the investigations and joined the trial. The applicant never tampered with evidence nor did he influence any witness.

9. The status report sent by the learned trial court records that the prosecution witnesses proposes 12 witnesses to examine to bring home the charges against the applicant. However, only one witness has been fully examined till date.

10. The trial is moving at a snail's pace and and shows no sign of early conclusion. The applicant cannot be faulted for the delay in the trial.

11. Inordinate delay in concluding trial has lead to an indefinite imprisonment of the applicant without being

any evidence against the applicant. The right of the applicant to speedy trial has been violated.

12. The applicant does not have any criminal history apart from this case.

13. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Virendra be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

The learned District Judge, Deoria shall personally monitor the progress of the trial on weekly basis.

A copy of this order be communicated to the learned

District Judge, Deoria by the Registrar (Compliance) by
FAX.

Order Date :- 7.11.2023

Ashish Tripathi