

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 40744 of 2021

**Applicant :-** Krishna Gupta

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Raj Kumar Sharma, Atul Kumar Shahi, Dheeraj Kumar Singh, Pritam Das, Shri Prakash, Yashwant Pratap Singh

**Counsel for Opposite Party :-** G.A., Khurshed Alam

**Hon'ble Sameer Jain, J.**

1. Supplementary affidavit filed on behalf of the applicant in Court today is taken on record.
2. Heard Shri Dheeraj Kumar Singh, learned counsel for the applicant, Dr. S.B. Maurya, learned AGA for the State-respondent and Shri Khurshed Alam, learned counsel for the informant.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.137 of 2019, under Section 304 IPC, Police Station Khampar, District Deoria, during pendency of the trial in the court below.
4. FIR of the present case was lodged against applicant, his wife and his son and according to the FIR, due to the greed of property on 28.05.2019 when father of the informant was returning after easing himself then on the way, applicant, his wife and his son caught him and thereafter made assault and strangled him and when his father has taken to the hospital then doctor declared him dead.
5. Learned counsel for the applicant submitted that entire allegation made in the F.I.R. against the applicant is totally false and baseless and only due to the property dispute, his brother i.e. informant of the case implicated him in the present matter

alongwith his wife and his son.

6. He further submitted that it appears that none witnessed the incident and due to the enmity subsequently applicant, his wife and his son were made accused in the present matter and earlier also applicant was implicated by the informant and his father. He further submits, witness Dheeraj Gupta, who although claimed himself to be an eye-witness of the case but when he appeared before the trial court then he was declared hostile.

7. He further submitted that applicant is not having any criminal history and he is languishing in jail in the present matter since 29.05.2019 i.e. for last more than four and a half years but till date, out of eleven prosecution witnesses, only four prosecution witnesses could be examined and trial of the case is moving with snail's speed and there is no hope of its early disposal.

8. Per contra, learned AGA as well as the learned counsel for informant opposed the prayer for bail and submitted that applicant is the son of the deceased and due to the property dispute, he alongwith his wife and his son committed the murder of his father and all the witnesses stated against him and if one witness Dheeraj Gupta under the influence of the applicant did not support the prosecution case then applicant should not be benefited.

9. Learned counsel for the informant further submitted that earlier also for making assault upon father i.e. deceased a report was lodged against the applicant.

10. He next submitted that from the order dated 16.09.2021 of the trial court, which has been annexed as Annexure C.A.-3 of the counter affidavit, it appears that at the time of framing of charges, applicant refused to put his signature and this shows the conduct of the applicant and therefore, considering the relationship of the applicant with the deceased and conduct of the applicant, he

should not be released on bail.

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

12. However, it appears that applicant is not having any criminal history and he is in jail in the present matter since 29.05.2019 i.e. for last more than four and a half years but as per the allegation, he alongwith his wife and his son committed the murder of his father due to property and earlier also he made assault upon his father.

13. Further, from the order dated 16.09.2021 passed by the trial court, which has been annexed as Annexure C.A.-3 of the counter affidavit, it appears that applicant after framing of charges was told to put his signature but he refused to put his signature and this fact shows the conduct of applicant.

14. Therefore, considering the facts and circumstances of the case, I am not inclined to release the applicant on bail, accordingly the instant bail application filed by the applicant - **Krishna Gupta** is **rejected**.

15. However, considering the fact that the applicant is in jail in the present matter since 29.05.2019 i.e. for last more than four and a half years, trial court is directed to conclude the trial of the case within a period of eight months from the date of production of a certified copy of this order strictly as per the provisions of Section 309 Cr.P.C. without granting any unnecessary adjournments to either of the parties, if there is no legal impediments.

**Order Date :- 18.10.2023**

Zafar