

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44641 of 2021

Applicant :- Sanju @ Sanjeev

Opposite Party :- State of U.P.

Counsel for Applicant :- Lihazur Rahman Khan, Araf Khan

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Ms. Sonakshi Arora, Advocate holding brief of Sri Araf Khan, learned counsel for the applicant and Sri S. Bahadur Singh, learned A.G.A. for the State.
3. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 194 of 2017 under section 306 IPC, Police Station Talgrm, District Kannauj.
4. Learned counsel for the applicant submits that this is second bail application filed on behalf of the applicant and first bail application of the applicant was dismissed by this Court on 12.09.2018. She further submits that at the time of rejecting the first bail application, this Court directed the trial court to gear up the trial of the present case and conclude the same within a period of eight months but since then more than five years have been passed and till date, trial of the case could not be concluded and only five prosecution witnesses could be examined till date.
5. Further, she submits that applicant is facing trial under section 306 IPC and he is in jail since 15.03.2017 i.e. for more than six and a half years and, therefore, considering the long incarceration of the applicant, he should be released on bail.
6. Per contra, learned AGA opposed the prayer for bail and submit that this is second bail application on behalf of the applicant who is husband of the deceased but he could not dispute that it is a case of section 306 IPC and applicant is in jail for more than six and a half years.

7. I have heard both the parties and perused the record of the case.
8. Although, this is second bail application on behalf of the applicant and the first application was dismissed on merit in the year 2018 and at the time of its rejection, this Court expected from the trial court to expedite the proceedings of the case and conclude the trial within 8 months but since then, more than five years have been passed and the trial has not been concluded.
9. Further, although the applicant is husband of the deceased, he is facing trial under section 306 IPC and in the present matter, he is in jail since 15.03.2017 i.e. for more than six and a half years.
10. Therefore, considering the facts and circumstances of the case as discussed above, particularly, the long incarceration of the applicant of more than six years, in my view, the applicant is entitled to be enlarged on bail.
11. Let the applicant **Sanju @ Sanjeev** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-
- (i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.*
- (ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.*
- (iii) The applicant shall not indulge in any criminal and anti-social activity.*
12. In case of breach of any of the above conditions, the prosecution will be at liberty to move an application before this Court for cancellation of bail of the applicant.
13. 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 :- 16.10.2023
Madhurima