

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36063 of 2023

Applicant :- Sandeep Alias Toote

Opposite Party :- State of U.P.

Counsel for Applicant :- Indrajeet Kumar Shukla, Kaushal Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 06.04.2023 passed in Criminal Misc. Bail Application No.741 of 2020.
3. Heard Sri Kaushal Mishra, learned counsel for applicant and Sri R.P. Patel, learned A.G.A. for the State.
4. The present bail application has been filed by the applicant in Case Crime No.299 of 2019, under Sections 498A, 304B, 316 IPC and 3/4 D.P. Act, Police Station Jhunsi, District Prayagraj with the prayer to enlarge him on bail.
5. Learned counsel for the applicant has stated that as a new ground, it is the period of incarceration on which the applicant is entitled for bail as he is in jail since 25.03.2019 and four years and nine months have passed since his incarceration.
6. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the trial is almost at its logical end as in all twelve witnesses have been examined. Learned A.G.A. has further stated that there is dying declaration of the deceased person to corroborate the prosecution story. There is likelihood of early conclusion of trial.
7. After hearing learned counsel for the parties and taking into consideration the fact that there is dying declaration of the deceased person which indicates the complicity of the applicant in the said offence, I do not find it a fit case for grant of bail to the applicant.
8. The bail application is found devoid of merits and is, accordingly, **rejected**.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Apex Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

10. 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 :- 15.12.2023

Ravi Kant

(Krishan Pahal, J.)