

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37738 of 2023

Applicant :- Kuldeep Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Murli Dhar Mishra

Counsel for Opposite Party :- G.A.,Lal Chandra Mishra

Hon'ble Umesh Chandra Sharma,J.

1. Counter affidavit filed today is taken on record.
2. Heard Sri Murli Dhar Mishra, learned counsel for the applicant, Sri Lal Chandra Mishra, learned counsel for the informant as well as learned A.G.A. for the State and perused the record.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 11 of 2023 under Sections 498-A, 323, 504, 506, 328, 120-B I.P.C. and Section 3/4 D.P. Act, Police Station- Nawabganj, District- Prayagraj, during the pendency of the trial.
4. Learned counsel for the applicant submits that it is a matrimonial dispute. The applicant is the husband of the informant and the allegations levelled against him are general and vague. There is every possibility of matter being settled amicably. It is further contended that the applicant is ready to keep the informant as his wife and maintain her. In support of his contention, it is also submitted that a suit for restitution of conjugal rights has also been filed by the applicant. There is no previous criminal history to the credit of the applicant, he is in jail since 03.07.2023 and in case he is enlarged on bail, he will not misuse the liberty.
5. Today, the informant **Shilpa Maurya**, appeared before the Court and expressed her desire to live with the applicant.
6. Having regard to the submissions made above and the fact that the applicant has remained confined for almost five months and keeping in view the statement of the informant, I am of the opinion that the applicant is entitled to be enlarged on bail.
7. Let the applicant- **Kuldeep Maurya**, involved in aforesaid case

be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses;
- (iv) subject to condition that he shall keep and maintain the wife in proper way.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 1.12.2023

S.Verma