

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38546 of 2023

Applicant :- Madan Lal@ Puttu

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Vashistha

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamsbery,J.

1. Heard Sri Ajay Kumar Vashistha, learned counsel for applicant and Sri Ashish Kumar Ojha, learned Brief Holder for State.

2. Applicant-Madan Lal alias Puttu has approached this Court by way of filing present bail application seeking enlargement on bail in Case Crime No. 487 of 2021, under Sections 302, 120B/34 IPC, Police Station Kasganj, District Kasganj, after rejection of his bail application vide order dated 27.09.2022 passed by Sessions Judge, Kasganj.

3. This bail application has been placed before this Court since a Bail Application No. 53359 of 2022 of one of the co-accused, Rammurti was rejected by this Court by a reasoned order dated 14.03.2023 and relevant paragraphs thereof is mentioned hereinafter:

“In the present case, initially, name of applicant was disclosed in confessional statement of her husband (co-accused) and weapon used in the crime was also recovered. Applicant is a woman, however, during investigation it was also revealed that she in a very planned manner not only called the deceased to an isolated place but also actively participated in crime and helped her husband to eliminate deceased. Deceased has suffered multiple injuries. Motive is attributed mainly to the applicant that she was allegedly in physical relationship with

deceased and he was blackmailing her.

In these circumstances and considering the involvement of applicant in a heinous crime and even the applicant is a lady, no case for bail is made out.”

4. In pursuance of an order passed by this Court, Trial Court has submitted a status report of trial that out of 29 proposed prosecution witnesses till date statement of only two prosecution witnesses have been recorded and Trial Court will take all endeavour to conclude trial within one year.

5. Learned counsel for applicant has pointed out some parts of statements of PWs-1 and 2 that their evidence is not sufficient to prove the case against applicant beyond reasonable doubt.

6. Learned Brief Holder appearing for State submits that at this stage this Court may not consider part of evidence to come up to the conclusion that prosecution will fail to prove case against applicant beyond reasonable doubt.

7. Heard learned counsel for parties and perused the material available on record.

8. I do not find any ground to differ the view taken by this Court while rejecting bail application of co-accused, Rammurti, a similarly situated co-accused as well as that contradictions, if any, in testimony would be subject matter of trial. However, considering status of trial, while rejecting prayer for bail, this application is disposed of with observation that Trial Court will take all endeavour to conclude trial within one year from today, if there is no legal impediment.

Order Date :- 21.11.2023

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