

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38782 of 2023

Applicant :- Lalit Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Jagmohan Singh, Yadavendra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

This is the second bail application.

By means of the the bail application the applicant has prayed to be enlarged on bail in S.S.T. No. 115 of 2022 arising out of Case Crime No. 399 of 2021 at Police Station- Tirwa, District- Kannauj under Sections 386/354 (c)/506/509/120-B IPC and Section 67 of I.T. Act. The applicant is in jail since 16.11.2022.

The first bail application was dismissed by this Court on 03.07.2023.

The following arguments made by Shri Yadavendra Dwivedi, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Ms. Sujata Chaudhary, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated with the police investigations and has joined the trial.
2. The trial is moving at a snail's pace and and shows no sign of early conclusion. The applicant cannot be faulted

for the delay in the trial.

3. Inordinate delay in concluding trial has lead to virtually an indefinite imprisonment of the applicant, without any evidence.

4. The right of the applicant to speedy trial has been violated.

5. The victim has repudiated the prosecution case in her testimony before the trial court. She has been declared hostile at the instance of the prosecution.

6. The applicant does not have any criminal history apart from this case.

7. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Lalit Singh be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 11.12.2023

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