

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39453 of 2023

Applicant :- Suresh Pahalwan

Opposite Party :- State of U.P.

Counsel for Applicant :- Girjesh Kumar Srivastava, Ranjana Gaur, Tej Om Prakash Gupta

Counsel for Opposite Party :- G.A., Ishir Sripat

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Ishir Sripat, counsel for the informant. Perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Session Trial No. 539 of 2014 arising out of Case Crime No. 170 of 2012, under Section 394, 364A, 365, 344, 328, 506 and 120B, P.S. Vrindavan, District Mathura during pendency of the trial.

3. Counsel for the applicant contends that earlier the applicant was granted bail by this Court on 29.5.2014, however due to unavoidable circumstances the applicant could not appear on subsequent dates and as such the applicant was arrested on 8.8.2023 and since then he is in jail.

4. On the other hand, Sri Ishir Sripat, counsel for the informant submits that the applicant has misused the liberty of bail after having been released on bail by this Court. He submits that the applicant failed to appear before the trial Court, non bailable warrants were issued and he was arrested in the 2015. Thereafter the applicant was granted bail by the trial Court on 10.8.2015. Thereafter again the liberty was misused and consequently he was again arrested on 8.8.2023. Counsel for the informant further submits that the identically placed co-accused has been convicted by the court of Additional Session Judge, Court No. 6, Mathura vide order dated 28.1.2015 passed in Sessions Trial No. 603 of 2012, under Sections 314, 364A, 365, 344, 328, 506, 411 and 120-B I.P.C. as such the applicant may not be released on bail.

5. Having heard learned counsel for the parties this court prima facie finds that the applicant has misused the liberty of bail and identically placed co-accused has been convicted by the trial

Court, as such no case for bail is made out. The bail application is dismissed.

6. The trial court is directed to conclude the trial within one year from the date of receipt of the certified copy of this order. The trial court shall proceed with the trial on day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to.

7. A copy of this order may be communicated to the learned trial Judge through the Registrar (Compliance) of this Court forthwith.

Order Date :- 31.10.2023
S.S.