

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39843 of 2023

Applicant :- Vaibhav Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Babu Lal Ram

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

This is the second bail application.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 60 of 2020 at Police Station-Lavedi, District-Etawah under Sections 498A, 304B IPC and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 26.06.2020.

The bail application of the applicant was rejected by this Court on 22.06.2021.

The following arguments made by Shri Babu Lal Ram, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I 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 had joined the trial.
2. The trial is moving at a snail's pace and is not likely to conclude anytime in the near future. The applicant is not

responsible for the delay in the trial.

3. The applicant never influenced witnesses and tampered with the evidence.

4. As per the chargesheet, the prosecution proposes to examine 14 witnesses to bring home the charges. Till date only five prosecution witnesses have been examined.

5. Inordinate delay in concluding trial has led to virtually an indefinite imprisonment of the applicant without there being any credible evidence to implicate him in the offence and violates the rights of the applicant to speedy trial.

6. P.W. 1 who is the first informant and other material witnesses including P.W. 2 have been examined. However, the Court does not propose to go into the appraisal of the evidence as it may prejudice the trial.

7. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial 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- **Vaibhav Tiwari** 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 :- 17.10.2023

Dhananjai