

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41405 of 2023

Applicant :- Chunna Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Kameshwar Singh, Sudhanshu Kumar Singh

Counsel for Opposite Party :- G.A., Dharendra Kumar Verma, Renu Swarnkar

Hon'ble Sameer Jain, J.

1. Heard Sri Kameshwar Singh, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 65 of 2023, under Sections 498-A, 304-B, 316 IPC & 3/4 D.P. Act, Police Station- Bisanda, District- Banda, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and applicant is the father-in-law of the deceased and he is pressing the instant second bail application on the ground that even as per the prosecution case, deceased died due to drowning and applicant is in jail since 11.03.2023 i.e. for last more than eight months and he is suffering with number of health issues and this fact is evident from his medical report, which has been annexed alongwith the instant bail application. He further submitted that husband of the deceased is still in jail, therefore, considering the fact that applicant is father-in-law of the deceased, he may be enlarged on bail.

5. Per contra, learned AGA opposed the prayer for bail and submitted that this is the second bail application filed on behalf of the applicant and after considering the entire facts of the case, first bail application of the applicant was dismissed by this Court but could not dispute the fact that applicant is the father-in-law of the deceased and as per the prosecution, deceased died due to drowning and applicant is suffering with number of medical problems.

6. I have heard learned counsel for the parties and perused the record of the case.

7. However, this is the second bail application filed on behalf of

the applicant and his first bail application was dismissed on merit by this Court on 30.06.2023 but from the record, it appears that applicant is the father-in-law of the deceased and his daughter-in-law died due to drowning by making jump in the well. Further, applicant is in jail since March, 2023 i.e. for last more than eight months and from the medical report of the applicant, which has been annexed alongwith the instant bail application, it appears that he is suffering with several medical issues.

8. Therefore, considering the facts and circumstances of the case discussed above, particularly the fact that applicant is father-in-law of the deceased and he is in jail for last more than eight months and is suffering with number of diseases, in my view applicant is entitled to be released on bail.

9. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

10. Let the applicant- **Chunna Prasad** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

11. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 29.11.2023 / KK Patel