Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42147 of 2023

Applicant :- Govind
Opposite Party :- State of U.P.
Counsel for Applicant :- Sadrul Islam Jafri,Balram Mishra,Sr. Advocate
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.

2. Heard Sri N.I. Jafri, learned Senior Counsel assisted by Sri S.I. Jafri, learned counsel for applicant and Sri R.P. Patel, learned A.G.A. for the State.

3. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 13.02.2023.

4. The present bail application has been filed by the applicant in Case Crime No.585 of 2022, under Sections 498A, 304B, 323, 506 IPC and 3/4 D.P. Act, Police Station Barra, District Kanpur Nagar with the prayer to enlarge him on bail.

5. Learned Senior Counsel for the applicant has indicated several contradictions in the statements of the witnesses of fact. Learned Senior Counsel has further stated that only formal witnesses remain to be examined, as such there is no possibility of tampering by the applicant. The applicant is in jail since 26.08.2022.

6. Per contra, learned A.G.A. has vehemently opposed the bail application.

7. After hearing learned counsel for the parties and taking into consideration the fact that there is no new ground except the contradictions as highlighted by the learned Senior Counsel, I do not find it a fit case for grant of bail to the applicant as the period of incarceration is only about one year.

8. The bail application is found devoid of merits and is, accordingly, ***rejected***.

9. However, it is directed that the aforesaid case pending before

the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Apex Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

10. 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 :- 26.10.2023
Ravi Kant

(Krishan Pahal, J.)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad