

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42200 of 2023

Applicant :- Guddu@ Arvind Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Om Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 330 of 2023 at Police Station-Bardah District-Azamgarh under Sections 323, 504, 506, 304 I.P.C. The applicant is in jail since 12.08.2023.

The bail application of the applicant was rejected by the learned trial court on 29.08.2023.

The following arguments made by Shri Anuj Bajpai, learned counsel and Shri Om Prakash Singh, learned on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased. He was nominated due to strained relations with his father-in-law.
2. The medical report drawn up by the Community Health Centre where the victim was first examined medically opines that there was only one injury which was near the

eye of the deceased.

3. The deceased was not assaulted brutally, inasmuch as, she travelled by foot to his father's house after a normal altercation between the couple.

4. Nature of the injuries shows that there was no intent to kill.

5. Delay in providing medical attention to the deceased was the cause of the death of the latter. The death was in her father's house for four days prior to her death.

6. Prosecution evidence does not connect the applicant with the offence.

7. The applicant does not have any criminal history apart from the instant case.

8. 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- **Guddu@ Arvind Chauhan** 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 :- 18.10.2023

Dhananjai