

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43149 of 2023

Applicant :- Anshul Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 101 of 2022 at Police Station-Sadar Bazar, District- Jhansi under Sections 498A, 304-B IPC and Section 3/4 Dowry Prohibition Act. The applicant is in jail since 24.09.2022.

The bail application of the applicant was rejected by the learned trial court on 01.05.2023.

The following arguments made by Shri Shiv Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Suchit Tandon, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased.
2. The applicant never tortured the deceased nor did he demand dowry.
3. The victim had suffered electric burn injuries in an electrical accident. She was rushed to the hospital by the applicant.

4. The postmortem report records that the cause of death is due to antemortem electric burn.
5. The applicant was falsely nominated at the instigation of the interested parties to extort money.
6. PW-1 who is the informant has repudiated the prosecution case during the trial. The said witness has been declared hostile by the learned trial court.
7. 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.
8. The prosecution proposes to examine 13 witnesses to bring home the charges. Till date only one prosecution witness has been examined.
9. Inordinate delay in concluding trial had 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.
10. The applicant does not have any criminal history apart from the instant case.
11. 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- **Anshul Pal** 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
Jaswant