

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44567 of 2023

Applicant :- Ramkumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Anand Pati Tiwari

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 Session Trial No.65 of 2022 arising out of Case Crime No.285 of 2021 at Police Station-Ajitmal, District-Auraiya under Sections 498A, 304B, 201 IPC and Section 3/4 of the D.P. Act. The applicant is in jail since 02.07.2021.

The bail application of the applicant was rejected by the learned trial court on 21.07.2023.

The following arguments made by Shri Anand Pati Tiwari, 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 the husband of the deceased.
2. The applicant did not harass the deceased or demand dowry. They had a harmonious relationship.
4. The deceased suffered from chronic diseases. She became depressed due to her illness when her condition

did not improve despite medical care.

5. The deceased died of natural causes.

6. The last rites of the deceased were conducted in the presence of her family members.

7. The applicant did not aid or abet the suicide.

8. The prerequisites for attracting the presumption and reversing the burden of proof are not established in the facts and circumstances and evidence of the case.

9. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.

10. The trial is moving at a snail's pace and shows no signs of an early conclusion.

11. The applicant is not responsible for the delay in the trial.

12. The status report send by the learned trial court records that the prosecution proposes to examine 23 witnesses to bring home the charges against the applicant. However, not a single witness has been examined till date.

13. Inordinate delay in the trial will lead to indefinite imprisonment of the applicant without being any evidence against the applicant. Right of the applicant to a speedy trial has been violated.

14. The applicant does not have any criminal history apart from this case.

15. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court 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-Ramkishun @ Ram Krishna Yadav 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 :- 8.11.2023

Ashish Tripathi