

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43528 of 2023

Applicant :- Sudha

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant as well as the learned A.G.A for the State and perused the record.
3. This is the second bail application filed on behalf of the applicant - **Sudha** with the prayer to enlarge her on bail in case crime no. 222 of 2022, under Sections 498-A, 304-B IPC and 3/4 Dowry Prohibition Act, P.S. Chandpur, District Fatehpur.
4. The first bail application of the accused-applicant has been rejected by this Court vide order dated 5.6.2023.
5. Learned counsel for the applicant has impressed upon the statement of the informant recorded as P.W.1 on 24.11.2023 wherein he deposed that the deceased and her husband were living separately with her own consent and that there was no demand of dowry before or after the marriage. It is further submitted that the applicant, being a lady, has been languishing in jail since 9.1.2023 and the trial is only at the stage of recording the statement of the witnesses. There is no chance of earlier conclusion of the the trial. It is also submitted that there is no possibility of absconding or tampering with the witnesses of the applicant. She has been falsely implicated in this case. She is innocent and has not committed any offence. In case she is released on bail, she will not misuse the liberty of bail and will cooperate with the trial.
6. Learned A.G.A. opposed the bail prayer and argued that no new circumstance has arisen after the rejection of earlier bail application. All the other points raised as new and additional grounds by the learned counsel for the applicant have been discussed in the order passed in first bail application of the

applicant, which was rejected vide order dated 5.6.2023. No satisfactory new or additional ground has been shown in the present second bail application. It is further submitted that period of incarceration in jail cannot be a good ground to enlarge the applicant on bail. Hence, the applicant should not be released on bail.

7. There is no new ground in the second bail application except the statement of the informant deposed as P.W.1, however the same does not help the applicant in any way. The earlier bail application of the applicant was rejected by the Court after considering all the material, facts and circumstances of the case.

8. Since the first bail application has been disposed of on merits, I find no ground to enlarge the present accused-applicant on bail.

9. The second bail application of the accused-applicant is hereby rejected.

Order Date :- 7.12.2023

SS