

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44354 of 2023

Applicant :- Raju

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradeep Kumar

Counsel for Opposite Party :- G.A.,Chandra Bhushan Mishra,Prem Shanker Mishra

Hon'ble Ajay Bhanot,J.

This is the second bail application.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 532 of 2016 at Police Station- Handia, District- Prayagraj under Sections 323, 504, 506, 308 IPC. The applicant is in jail since 16.01.2023.

The first bail application of the applicant was rejected by this court on 25.08.2023.

The following arguments made by Sri Pradeep Kumar, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Chandan Agarwal, learned AGA and Sri Chandra Bhushan Mishra, learned counsel for the informant from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated in the investigation and has joined the trial proceedings. The applicant never tampered with the evidence nor did he influence any witness.

2. The injured in his testimonies before the trial court has admitted that he was discharged from the hospital one day after his admission. However, this Court will not appraise the evidence at this stage since it may prejudice the trial.

3. The trial is moving at a snail's pace and and shows no sign of early conclusion. The applicant cannot be faulted for the delay in the trial.

4. Inordinate delay in concluding trial has lead to virtually an indefinite imprisonment of the applicant, without any evidence.

5. The right of the applicant to speedy trial has been violated.

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

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- Raju 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 :- 20.11.2023

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