

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46109 of 2023

Applicant :- Ashok Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 143 of 2023 at Police Station Inchauli District Meerut under Section 302 I.P.C. The applicant is in jail since 29.07.2023.

The bail application of the applicant was rejected by the learned trial court on 19.09.2023.

The following arguments made by Shri R.C. Yadav, learned counsel assisted by Shri Anil Kumar Mishra, 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. On the fateful day, the applicant upon reaching home found that the deceased was not there, he made inquiries from his children. Thereafter, he went on look out for his wife and her dead body was recovered. He promptly lodged the F.I.R.

3. The only implicatory evidence against the applicant is a confessional statement made by him before the police authorities. The said statement insofar as it implicates the applicant is not admissible in evidence.

4. The applicant has been implicated in the instant case to burnish the credentials of the police investigators.

5. There is no direct evidence against the applicant. This is a case of circumstantial evidence.

6. Chain of incriminating circumstances against the applicant is not complete.

7. No incriminating article has been recovered from the applicant to connect with the offence.

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

9. 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- **Ashok Kumar** 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 :- 1.11.2023

Jaswant