

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46120 of 2023

Applicant :- Vakar Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Siddharth Srivastava, Deeksha Gupta

Counsel for Opposite Party :- G.A., Jitendra Singh

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellant, learned counsel for the informant, learned AGA for opposite party no.1 and perused the material placed on record.

The present second bail application has been filed on behalf of the applicant in Session Trial No. 233 of 2021 arising out of Case Crime No. 48 of 2021, under Sections 302, 506, 34 of IPC, Police Station Jiyanpur, District Azamgarh with the prayer to enlarge the applicant on bail. First bail application was rejected by this Court vide order dated 01.03.2023 in Criminal Misc. Bail Application No.55305 of 2022.

Learned counsel for the appellant has submitted that appellant is innocent and has been falsely implicated in this case. Appellant is languishing in jail since 02.03.2021 and there is no substantial progress in the trial. F.S.L report is not yet filed by the prosecution. It is submitted that first bail application of the applicant was dismissed only on the basis of a chance witness while he was not present at the spot. There is no independent witness of the incident. In case, the appellant is released on bail, he will not misuse the liberty of bail.

Per contra, learned A.G.A. assisted by learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellant and submitted that the charge sheet has been framed against the appellant on 28.05.2021 and court is making every effort to proceed with the trial expeditiously. On two occasions case was transferred from one court to another court.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the active participation of the appellant in the commission of

crime, I do not find it a fit case for bail.

Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

Accordingly, the criminal appeal is dismissed.

However, the trial court is directed to expedite the trial within a period of six months from the date of receipt of certified copy of this order without granting any unnecessary adjournment to either of the parties subject to full co-operation by the appellant.

Order Date :- 12.12.2023

PS