

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47287 of 2023

Applicant :- Shripal

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Vishwakarma

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Rajesh Kumar Vishwakarma, learned counsel for the applicant and Sri Yogesh Mishra, learned A.G.A. for the State and perused the material placed on record.
3. This is the four bail application moved on behalf of the applicant seeking bail in Case Crime No.85 of 2018, U/S 302 & 307 of IPC, Police Station Dhanari, District Sambhal, during the pendency of trial. His first and second bail application were rejected by another Bench of this Court vide orders dated 16.11.2018 and 13.09.2019 passed in Criminal Misc. Bail Application Nos. 40972 of 2018 and 21397 of 2019, respectively. His third bail application was rejected by this Court vide order dated 09.01.2023 passed in Criminal Misc. Bail Application No.10113 of 2021.
4. As a new ground, learned counsel for the applicant has stated that only five witnesses of fact have been examined out of 21 witnesses mentioned in the charge-sheet, as such there is no likelihood of early conclusion of trial. The applicant is languishing in jail since 19.05.2018 and, therefore, he is entitled for bail.
5. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the applicant is the main accused person who had fired at the deceased person leading to his death. Learned AGA has further stated that criminal history of the applicant has also not been properly explained and, as such, he is not entitled for bail.
6. After hearing the learned counsel for the parties, this Court is not inclined to release the applicant on bail. The bail application is,

accordingly, **rejected**.

7. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Apex Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

8. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Justice Krishan Pahal)

Order Date :- 28.11.2023

Siddhant