

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51865 of 2023

Applicant :- Vishnu Chainta

Opposite Party :- State of U.P.

Counsel for Applicant :- Sonakshi Arora, Araf Khan

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Ms. Sonakshi Arora, learned counsel for the applicant, Sri Ajay Singh, learned AGA-I for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant **Vishnu Chainta**, seeking enlargement on bail during trial in connection with Case Crime No. 152 of 2018, under Sections 498-A, 304-B, 201 I.P.C. and 3/4 D.P. Act, registered at Police Station Vrindavan, District Mathura.
4. The FIR of the matter was lodged on 10.02.2018 by Sri Chandra against the applicant and three other persons alleging therein that on 10.02.218 at about 06:00 am he received an information that his sister was lying dead in a drain. He went to the village and found the body of his sister lying in a drain. Her in-laws used to beat her and tortured her. The accused persons have murdered his sister and thrown the dead body in the drain. He is thus lodging the FIR and action be taken.
5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is argued that the deceased went from house without informing anyone. It is further argued that the body of the deceased was not found to have received any injury on it. Learned counsel while placing para 6 of the affidavit argued that the co-accused Shyam, Smt. Ram Beti and Hakim Singh have been granted bail by different Benches of this Court vide orders dated 29.08.2022, 12.02.2020 and 04.12.2019 passed in CrI. Misc. Bail Application Nos. 40837 of 2020 (Shyam Vs. State of U.P.), 6539

of 2019 (Smt. Ram Beti Vs. State of U.P.) and 8746 of 2019 (Hakim Singh Vs. State of U.P.), copy of the orders are annexed as annexure 4 to the affidavit. Further while pacing para 7 of the affidavit it is argued that the trial in the present matter although has started but only three witnesses have been examined and no other witness has been examined thereafter. The copy of the order sheet from 16.11.2022 to 03.05.2023 has been placed before the Court which is annexure 5 to the affidavit. It is argued that since the applicant is in jail since 12.02.2018 and has already undergone around 5 years and 8 months, he may be enlarged on bail. It is argued that the applicant has no criminal history as stated in para 15 of the affidavit.

6. Per contra, learned counsel for the State opposed the prayer for bail and argued that the applicant is the husband of the deceased. It is argued that the deceased was living with her husband. The cause of death as per postmortem examination report is due to asphyxia caused by compression over the neck which goes to show that she has been murdered and since her dead body was found in the drain it further goes to show that she was thrown in the drain thereafter. It is argued that the trial in the present case is going on in which three witnesses have been examined and as such it would not be in the fitness of things to direct release the applicant. It is argued that there is no reason for false implication of the applicant and as such the prayer for bail of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. The deceased died in her matrimonial house within seven years of marriage which is unnatural. The postmortem examination report shows that the cause of death due to compression of the neck and thereafter the dead body was found in drain which would go to show that there has been compression on the neck and it appears that the body was thrown in the drain. The trial is under progress in which three witnesses have been examined. I do not find it a fit case for bail.

8. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, ***rejected***.

10. At this stage, learned counsel for the applicant prays that appropriate directions be issued for expeditious disposal of the trial.

11. However, looking to the period of incarceration and argument of learned counsel for the applicant and also looking to the trial is of the year 2018 and the applicant is the accused, it is provided that the applicant may file an application for expeditious disposal of the trial of the case before the court concerned within two weeks from today, which may as per its load of work, diary and pendency of cases, pass appropriate orders on the same.

Order Date :- 11.12.2023

M. ARIF

(Samit Gopal, J.)