

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50464 of 2023

Applicant :- Priyanka Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Indradeo, Ganesh Mani

Counsel for Opposite Party :- G.A., Ajit Kumar Singh, Raj Kumar Sharma

Hon'ble Ajay Bhanot, J.

By means of the second bail application the applicant has prayed to be enlarged on bail in Case Crime No.13 of 2021 at Police Station-Balua, District-Chandauli under Sections 302, 201/34 IPC. The applicant is in jail since 02.02.2021.

The first bail application of the applicant was rejected by this Court on 22.08.2023.

The following arguments made by Shri Ganesh Mani Tripathi, learned counsel and Shri Indradeo Maurya, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Ajit Kumar Singh, learned counsel for the informant and Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the wife of the deceased.
2. The applicant has been falsely nominated only to divest of her right in her husband's property by the family members of the latter.

3. The husband of the applicant went missing and she promptly informed her father-in-law about the same which led to the lodgment of the missing report.
4. The applicant did not have any illicit relations with the principal offender-Rohit Nishad.
5. No incriminating articles have been recovered from the applicant.
6. Incriminating article/knife was recovered at the pointing out of the principal offender-Rohit Nishad.
7. The applicant is a law abiding citizen who cooperated in the investigation and has joined the trial proceedings.
8. The trial is moving at a snail's pace and shows no signs of an early conclusion. The applicant is not responsible for the delay in the trial proceedings.
9. Inordinate delay in concluding trial has lead to an indefinite detention of the applicant without any evidence to implicate him in the offence. Right of the applicant to a speedy trial has been violated.
10. The applicant does not have any criminal history apart from this case.
11. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court 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-Priyanka Sharma 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 :- 5.12.2023

Ashish Tripathi