

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52012 of 2023

Applicant :- Shivraj

Opposite Party :- State of U.P.

Counsel for Applicant :- Kartikeya Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. This second bail application on behalf of the applicant **Shivraj** has been moved with the prayer to enlarge him on bail in case crime no.0047 of 2021, under Section 302 IPC, P.S. Rampura, District Jalaun.

2. Heard learned counsel for the applicant as well as the learned A.G.A for the State and perused the record.

3. The only additional / new ground taken in this application by the learned counsel for the applicant is that the PW-3 has been examined in this case after passing the order dated 6.6.2023 whereby the first bail application moved on behalf of the applicant has been rejected. It is also submitted that the PW-3 has become hostile and he has not supported the prosecution case. It is further submitted that the applicant is languishing in jail since 11.5.2021 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned AGA opposed the prayer for bail and submitted that accused is the husband of the deceased and in his statement recorded under Section 161 CrPC he had shown suspicion about the character and conduct of his own wife and that was the motive of murder of the deceased. It is also submitted that in this case a number of witnesses are to be examined and on the basis of examination of one witness at this stage it cannot be said that the applicant has not committed the murder of his wife. Since gruesome murder has been committed by the accused applicant of his own wife, he is not entitled for bail.

5. In the present matter, gruesome murder of his own wife has been committed by the accused. The only additional / new ground taken in this application is that the PW-3 has been examined before

the Court and he has not supported the prosecution case and has been declared hostile. In this case there are so many witnesses to be examined and on the basis of examination of single witness it is not possible to reach at the right conclusion. There is no force in the new / additional ground taken by the applicant in this application. Hence, without expressing any opinion on the merits of the case, the Court is of the view that the applicant has not made out a case for bail. The second bail application is liable to be rejected and the same is accordingly **rejected**.

Order Date :- 5.12.2023

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