

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 743 of 2023

Applicant :- Karan

Opposite Party :- State Of U.P. Thru. Prin., Secy. Home, U.P. Lko.

Counsel for Applicant :- Jyoti Rajpoot, Sachida Nand

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard Ms. Jyoti Rajpoot, learned counsel for the applicant and Sri Avishesh Kumar learned A.G.A. for the State.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.30 of 2020 (S.T. No. 136 of 2020) under Section 302 IPC, Police Station Haidarabad, District Kheri.

3. It has been submitted by learned counsel for the applicant that incident took place on 01.02.2020 but the FIR was lodged on 03.02.2020 by the complainant, who is mother of the applicant and wife of the deceased. Learned counsel for the applicant has submitted that the allegation is levelled to the extent that the applicant assaulted with stick upon the deceased due to which he received injuries and died. Learned counsel for the applicant has submitted that from open place recovery of stick has been made and there is delay in lodging the FIR. Learned counsel for the applicant has further submitted that there is no independent eye witness of the case. It has been submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case and he has not committed any offence as mentioned in the FIR.

4. On the other hand, learned Additional Government Advocate has submitted that the complainant is the wife of deceased, who has specifically mentioned that the applicant had assaulted with stick upon the deceased due to which he received injuries and died. He submitted that the deceased received three injuries which are fetal, the same are quoted below:-

"1. lacerated wound 6cm.x 3 cm. bone deep over right side of head 3 c.m. above right ear.

2 Multiple lacerated would 10 cm.x 6 cm. over forehead.

3. Lacerated wound of size 3cn. x 3 cm. over lower jaw in front of face. Lower jaw found fractured."

5. It has been submitted by learned Additional Government Advocate that Dinesh Kumar, an independent witness, in his statement recorded under section 161 Cr.P.C. has also supported the prosecution case and has mentioned that the applicant had assaulted the deceased and committed the crime. Dinesh Kumar has further mentioned that sister of the deceased was not sent to her in-laws' house and she was living in the house of the applicant and used to do Dance Programme which was supported by his father/ deceased. The applicant opposed the said activities.

6. After hearing learned counsel for the parties and considering the argument that the complainant is the mother of the applicant and lodged FIR indicating therein that the applicant had assaulted her husband with stick due to which he received injuries and died. The argument that prosecution is also supported by independent witness Dinesh Kumar who has also assigned the role that the applicant has assaulted the deceased with stick, therefore, I am of the opinion that it is not a fit case to release the applicant on bail.

7. Accordingly, the bail application of the applicant- Karan is **rejected**. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of one year from the date a certified copy of this order is produced before it. It is made clear that any observation made hereinabove shall not affect the trial proceedings.

Order Date :- 21.11.2023

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