

**Court No. - 8**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 1890 of 2023

**Applicant :-** Dharmendra Yadav

**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home Civil Secrett. Lko.

**Counsel for Applicant :-** Chandra Shekhar Singh Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dinesh Kumar Singh,J.**

1. Heard Shri Chandra Shekhar Singh Yadav, learned counsel for the accused-applicant and Shri Brijendra Vikram Singh, learned A.G.A. for the State-respondents and perused the record.

2. The present bail application under Section 439 Cr.P.C. has been filed on behalf of the accused-applicant in Case Crime No.199 of 2017, under Sections 302 and 323 I.P.C., Police Station-Gosainganj, District-Lucknow, with the prayer to enlarge him on bail.

3. This is the second bail application. The first bail application filed on behalf of the applicant has been rejected by this Court vide order dated 21.06.2021 passed in Bail No.7620 of 2018. The said order rejecting the first bail application of the accused-applicant would read as under:-

*"1. Heard learned counsel for the accused-applicant as well as learned Additional Government Advocate and gone through the entire record.*

*2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in Crime/FIR No.0199 of 2017, under Sections 302 and 323 IPC lodged at Police Station Gosaiganj, District Lucknow.*

*3. Allegation against the accused-applicant is that he was living with the wife of the complainant; the deceased had one daughter, aged about 14 years and three sons, aged about 12 years, 10 years and 8 years respectively; the accused-applicant killed the deceased and when the children tried to save their mother, they were also assaulted by him; post-mortem report corroborates the prosecution story; the accused-applicant has criminal history of following cases:-*

*1. Crime No.0113 of 2015, under Section 60(2) U.P. Excise Act;*

2. Crime No.057 of 2016, under Section 8/20 N.D.P.S. Act;

3. Crime No.0171 of 2016, under Section 110 of the G.Act; and

4. Crime No.0161 of 2006, under Sections 302, 364 and 201 IPC.

However, it appears that the accused-applicant has been acquitted in Crime No.0161 of 2006, under Sections 302, 364 and 201 IPC.

4. Learned counsel for the accused-applicant submits that at this stage he would not like to press this bail application on merit if the Court directs the trial Court to expedite the trial and conclude it in a time-bound manner.

5. Considering the aforesaid submission made by the learned counsel for the accused-applicant, this bail application is rejected. However, the learned trial Court is directed to expedite the trial and conclude the same at an early date, preferably within one and a half years from the date computerized copy of this order downloaded from the official website of High Court Allahabad is produced.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing."

4. There is no change circumstance which warrants this Court to enlarge/release the accused-applicant on bail at this stage.

5. In view thereof, the present bail application is hereby **rejected**.

**(Dinesh Kumar Singh, J.)**

**Order Date :- 24.5.2023**

Piyush/-