

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1825 of 2023

Applicant :- Shani

Opposite Party :- State Of U.P. Thru. Secy. Home Deptt. U.P. Govt., Civil Sectt. Lko.

Counsel for Applicant :- Sanjai Srivastava, Seema Devi

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard Shri Sanjai Srivastava, learned counsel for the applicant, Shri Awdhesh Narain Tripathi, learned AGA for the State and perused the record.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Session Trial No. 17 of 2022 in Case Crime No.239 of 2021, under Section 302 I.P.C., Police Station Vibhuti Khand, District Lucknow.

3. Learned counsel for the applicant submitted that FIR has been lodged by the brother of the deceased in which it has been mentioned that his sister was living along with applicant and he got information on 16.5.2021 that his sister was poisoned by the applicant and thereafter he ran away from the place of occurrence. It has been further submitted that applicant was not present in the house, at the time of occurrence, he was working in a shop and he has been falsely implicated. No other argument is placed by counsel for applicant. The applicant has no criminal history. The applicant is in jail since 10.10.2021.

4. Per contra, learned AGA opposed the prayer for bail and has pointed out that admittedly the deceased was living with the applicant and cause of death is due to ante mortem strangulation and post mortem report indicates that there are four injuries on the body of the deceased. He has submitted that the deceased was beaten and thereafter she was done to death by strangulation as such the applicant does not deserve mercy and his bail is liable to be rejected.

5. Thus, having regard to the evidence available on record against the applicant and his complicity in the crime, considering the argument that deceased was found dead in the house of applicant and the argument that four injuries were caused and deceased died due to strangulation, I find no good ground to release the applicant on bail. Thus, the bail application moved on behalf of applicant **Shani** is, hereby, rejected.

6. Observations made hereinabove by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

7. Office is directed to send a copy of this order to the trial court concerned for necessary compliance forthwith.

Order Date :- 18.12.2023/Pks