

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3398 of 2022

Applicant :- Raju Alias Satyadev Goswami (Second Bail)

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

Counsel for Applicant :- Rajendra Prasad Lodhi, Firoz Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Shri Firoz Ahmad Khan, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.

2. This second bail application has been moved by the accused/applicant- **Raju Alias Satyadev Goswami** for grant of bail, in Case Crime No. 0437 of 2020, under Sections 498-A, 304-B I.P.C. and Section 3/4 D.P. Act, Police Station Colonelganj, District Gonda, during trial, as his first bail application has been rejected on 11.03.2022 passed in Criminal Misc. Bail Application No. 11839 of 2021.

3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication and all the allegations so far as the same are concerned with the demand of dowry and committing cruelty in lieu thereof against the deceased has been levelled afterwards while during the stay of the deceased with the applicant she has not made any complaint with regard to any cruelty committed by the applicant with her.

4. It is further submitted that the first bail application of the applicant was rejected on 11.03.2022 and since then five prosecution witnesses have been testified including the investigating officer and the doctor. However, having regard to the pace with which the case is traveling before the trial Court, the same is not expected to conclude in near future.

5. It is also submitted that the prosecution is deliberately keeping the applicant in jail by not producing the prosecution witnesses on each and every date of listing. Applicant is languishing in jail in this case since 04.11.2020 and he is not having any criminal history and keeping in view the period of

incarceration already undergone, the applicant is entitled to be released on bail and there is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.

6. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the first bail application of the applicant was rejected on 11.03.2022 and almost all prosecution witnesses have been testified and now the trial is at the concluding stage and, therefore, at this juncture, it would not be safe to release the applicant on bail having regard to the fairness of the trial.

7. Having heard learned counsel for the parties and having perused the record, it is reflected that the first bail application of the applicant was rejected on 11.03.2022. It appears to be an admitted situation that since the rejection of the first bail application of the applicant on 11.03.2022, five prosecution witnesses including the investigating officer and doctor have been testified before the trial Court. Thus, it is reflected that the trial is at the concluding stage. Having regard to the stage of trial, it may be expected that the same is going to conclude in near future. Thus, having regard to the fact that this is the second bail application moved on behalf of the applicant, I do not find any substantial change in circumstances since the rejection of the first bail application of the applicant.

8. Thus, this second bail application moved on behalf of the applicant- **Raju Alias Satyadev Goswami** is, hereby, **rejected**.

9. The trial Court is, however, directed to conclude the trial within four months from production of an authenticated copy of this order before it by the applicant and if the trial is not concluded within the period stipulated herein-before, the applicant may renew his prayer for bail before this Court after expiry of the aforesaid period.

10. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression on the merits of the case.

11. A copy of this order be immediately transmitted to the trial Court through the Sessions Judge concerned, for strict compliance.

Order Date :- 6.11.2023
Praveen