

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4393 of 2023

Applicant :- Om Prakash

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard Shri Ramakar Shukla, learned counsel for the applicant, Shri Mukesh Singh, 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 Case Crime No.710 of 2020, under Sections 498-A, 302, 109, 120-B I.P.C. Police Station Kotwali Nagar, District Sultanpur.
3. This is the second bail application. The first bail application was rejected vide order dated 31.08.2022 passed in Criminal Misc. Bail Application No.4136 of 2021 while rejecting the bail application, the Court had directed to conclude the trial within six months but till date trial has not been concluded.
4. Learned counsel for the applicant has submitted that the fact witnesses have been examined but till date trial is not concluded therefore, he has requested that applicant may be released on bail. The applicant is has no criminal history and is languishing in jail since 25.07.2020.
5. On the other hand, learned AGA submitted that all the fact witnesses have supported the prosecution story therefore, the circumstances are not changed and once the prosecution witnesses have supported the prosecution story, the bail application of the applicant is liable to be rejected.
6. Considering the aforesaid facts and circumstances of the case and the argument that all the fact witnesses have supported the prosecution case, it is not a fit case for grant of bail at this stage.
7. The application for bail of applicant **Om Prakash** is hereby, rejected.
8. However, the trial court is directed to conclude the trial within three months.
9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an

expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 22.11.2023

Pks