

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7783 of 2022

Applicant :- Vishal Singh S/O Vishnu Singh

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

Counsel for Applicant :- Prashansa Singh, Abhishek Singh

Counsel for Opposite Party :- G.A., Alok Kr. Misra, Suresh Kumar Pandey

Hon'ble Brij Raj Singh, J.

1. Heard Shri Abhishek Singh, learned counsel for the applicant, Shri Ravish Chandra Mishra, learned AGA for the State. When the case is called out. no one is present for the complainant's side.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.146 of 2022, under Sections 498A, 323, 304 B I.P.C., and Section 3/4 D.P. Act, Police Station Kotwali Ayodhya, District Ayodhya.

3. Learned counsel for the applicant submitted that PW1 father and PW2 mother have been examined before the trial Court. Learned counsel has invited attention of this Court towards the statement of PW1 father, who in his examination-in-chief has supported the prosecution case but in cross examination, he has not supported the prosecution case. He has deposed before the court that no dowry was demanded by the applicant and his family and the marriage was performed happily. He further deposed that his daughter was living happily and whenever she used to come to his house, she used to tell that she was happy in her sasural. He further deposed that she was never harassed by her family members and blank paper was got to be signed by the police and he had not given statement against the applicant and his family members.

4. Learned counsel has further invited attention of this Court towards the statement of PW2 mother who has been declared hostile. It has been stated that applicant has undergone sufficient time in jail. He submitted that and after looking to the statement of PW1 and PW2, it cannot be inferred that the applicant was involved in the commission of crime. The applicant was working at Lucknow whereas deceased committed suicide at Ayodhya. Learned counsel submitted that there is no possibility that trial would be concluded in near future, as such he may be granted bail. The applicant has no criminal history and is in jail since 23.04.2022.

5. On the other hand, learned AGA opposed the prayer for bail but could not dispute the fact that PW1 father has not supported the prosecution case in cross examination and PW2 mother of the deceased has been declared hostile.

6. Considering the over all facts and circumstances of the case and

looking to the argument that PW1 father has not supported the prosecution case in cross examination and PW2 mother of the deceased has been declared hostile and the argument that sufficient period has been undergone by the applicant, as such I find it to be a fit case for bail.

7. Let the applicant **Vishal Singh** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. 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 :- 10.10.2023

Pks