

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8164 of 2023

Applicant :- Ankit Dubey

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

Counsel for Applicant :- Vidya Bhushan Pandey, Ambrish Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the accused-applicant as well as Sri Manish Vikram Singh Chauhan, learned A.G.A. and perused the record.

2. This is the second bail application. First bail application got rejected by this Court vide order dated 10.10.2022 passed in Criminal Mic. Bail Application No.7744 of 2021.

3. The present application under Section 439 Cr.P.C. has been filed seeking bail in FIR/Case Crime No.0401 of 2020, under Sections 498A and 304B IPC and Section 3/4 Dowry Prohibition Act, Police Station Akhand Nagar, District Sultanpur.

4. This Court while rejecting the first bail application of the accused-applicant, passed the following order:-

“1. Heard learned counsel for the accused-applicant, learned A.G.A. for the State-respondent and perused the record.

2. The present bail under section 439 Cr.P.C. has been filed seeking bail in F.I.R. No. 401 of 2020, under sections 498-A, 304-B I.P.C. and Section 3/4 of the Dowry Prohibition Act, Police Station-Akhand Nagar, District-Sultanpur.

3. As per the allegations in the F.I.R, the accused-applicant and the deceased got married on 05-03-2018. It is alleged that the accused-applicant and other co-accused used to torture and subjected the deceased to cruelty for additional dowry demand. On the date of incident i.e. on 26-10-2020, they killed the deceased. The post-mortem report of the deceased would suggest the following ante-mortem injuries on the body of the deceased :-

1. 3 abrasion of size 1/2 cm x 1 cm. on left hand.

2. 2 abrasion of size 1 cm. x 1 cm. on Rt. Hand.
3. Contusion of 4 cm. x 2 cm. on left thigh.
4. 3 x 2 cm. .. injury on right lock of thigh.
5. 6 cm. x 4 cm. on brain injury on lumbar region right side of lock.
6. 20 cm. x 12 cm. on Right buttock burn injury.
7. 5 cm. x 3 cm. Burn injury on left ankle.
8. 7 cm. x 3 cm. burn injury on left palm.
9. Entry no. 8 Entry wound, entgry no. 7-exit wound.

Cause of death is opined due to Cardio Respiratory, Arrest & Shock due to ante-mortem electric burn injury.

4. Considering the fact that the deceased sustained multiple injuries which are abrasions and contusions besides the burn injuries in the house of the accused-applicant, this court does not find it a fit case to enlarge the accused-applicant on bail. The bail application of the accused-applicant, Ankit Dubey, is hereby rejected.

5. The trial court should proceed with the trial and conclude the same expeditiously preferably within a period of six months from the date a certified copy of this order is produced before it."

5. There is no changed circumstance, which warrant this Court to enlarge the accused-applicant on bail.

6. Bail application is accordingly **rejected**.

7. However, the trial court is directed to conclude the trial within a period of ten months as the accused-applicant has been in jail since 10.10.2022.

Order Date :- 12.7.2023

Rao/-