

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9285 of 2022

Applicant :- Ashish Singh

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

Counsel for Applicant :- Anoop Kumar Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Heard Anoop Kumar Upadhyay, learned counsel for the accused/applicant as well as learned AGA for the State and perused the record.

2. This bail application has been moved by the accused/applicant- **Ashish Singh** for grant of bail, in Case Crime No. 123/2021, under Sections 302, 498-A, 304-B IPC & ¾ Dowry Prohibition Act, Police Station Nawabganj, District Gonda, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication and the applicant has not committed any offence as shown in the First Information Report as well as in the statements of the prosecution witnesses.

4. It is vehemently submitted that there is material contradiction in the ocular version of the evidence and medical evidence.

5. It is further submitted that at the relevant point of time, the applicant was not present in the house and the crime appears to have been committed by some unknown persons and only on account of the fact that the applicant is husband of the deceased, the allegation has been levelled against the applicant. It is further submitted by learned counsel for the applicant that the deceased had never made any complaint to any public Authority with regard to any offence committed by the applicant in lieu of demand of dowry and cruelty and all the allegations have been levelled on the basis of suspicion. The applicant is in jail in this case since 26.04.2021 and the pace with which the trial is moving, it is not going to conclude in near future. The applicant is not having any criminal history and he is ready to cooperate in the trial without seeking any unnecessary adjournments.

6. Learned AGA on the other hand submits that the applicant is

accused of committing an heinous offence, therefore, he is not entitled to be released on bail.

7. Having heard learned counsel for the parties and having perused the record, it is reflected that the deceased (Pallavi Singh) who was wife of the applicant, had died otherwise than in normal circumstances within 7 years of her marriage with the applicant. Postmortem report reveals that she had sustained many injuries and the cause of death has been ascertained by the doctor in the post mortem report as 'asphyxia' as a result of ante-mortem 'strangulation'. The dead body of the deceased has been found in her matrimonial home. The allegations of committing cruelty in lieu of demand of dowry has been levelled against the applicant in the First Information Report as well as in the statements of the prosecution witnesses. Many prosecution witnesses are stated to have been examined before the trial court and in all probability, the trial might have travelled to an advanced stage.

8. Thus, having regard to all the facts and circumstances of the case, I do not find any good ground to release the applicant on bail and therefore the application for bail moved by the applicant is hereby ***rejected***.

9. The Trial Court is, however, directed to expedite the trial by using all possible / legal means to conclude the same, if possible within six months from the date a certified copy of this order is produced before it, by the applicant.

10. If the trial is not concluded within the time stipulated by this Court, the applicant may approach this Court again for renewal of his prayer for bail.

Order Date :- 22.11.2023

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