

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10880 of 2023

Applicant :- Anshu Rathore

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

Counsel for Applicant :- Smriti

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Rejoinder affidavit is taken on record.
2. Heard Ms. Smriti, learned counsel for the accused-applicant, as well as learned A.G.A. for the State, and perused the record
3. This bail application has been moved by the accused/applicant - **Anshu Rathore** for grant of bail in Case Crime No.0109 of 2020, under Sections 498-A and 304-B IPC read with Section 3/4 D.P. Act lodged at Police Station Ajgain, District Unnao, during trial.
4. This is the 3rd application for bail moved on behalf of the applicant as his earlier two bail applications did not find favour of the coordinate Bench. However, while rejecting the first bail application of the applicant, the coordinate Bench had directed the trial Court to conclude the trial expeditiously, preferably within a period of one year from the date of production of certified copy of the order.
5. Learned counsel for the accused-applicant submits that the certified copy of the aforesaid order was placed before the trial Court on 16.11.2022 and till now only five prosecution witnesses have been testified before the trial Court and the trial is held up on account of non-appearance of the investigating officer against whom bailable warrant of arrest has been issued by the trial Court.
6. Learned A.G.A., on the other hand, submits that the trial is at the concluding stage.
7. It appears to be an admitted situation that this is the 3rd bail application moved on behalf of the applicant. His earlier two bail applications have been rejected by the coordinate Bench of this Court. About ten injuries have been found on the person of the deceased and the cause of death has been attributed to such injuries in the postmortem report. Five prosecution witnesses, including doctor, appear to have been examined before the trial Court and, as stated before this Court only the statement of investigating officer is left to be recorded. Thus, there is

substance in the submission made by the learned A.G.A. that the trial is at the concluding stage. Applicant is the husband of deceased.

8. Having regard to all the facts and circumstances of the case and, keeping in view the specific fact that the deceased, who is the wife of the applicant, had sustained ten antemortem injuries and the cause of death has been attributed to these injuries, no fresh/new ground appears to be available to the applicant for the purpose of his release on bail and, therefore, **this 3rd application moved on behalf of the applicant is also liable to be rejected and the same is hereby rejected as such.** However, the concern of the applicant appears to have some substance as he is languishing in jail since 13.04.2020 and as admitted the trial is at the concluding stage, however, the same could not be completed due to non-presence of the investigating officer.

9. In this scenario, it is directed that the trial Court shall now list this case at-least twice in a week and on all the dates when this case would be listed before the trial Court, the SSP/SP, Unnao shall be personally responsible for presenting the investigating officer of the case or any other prosecution witness whose testimony would be required to be recorded by the trial Court and any lapse in this regard may be taken seriously by this Court.

10. If the trial is not concluded within four months after receipt of this order by the trial Court and the applicant is not a privy to such delay, the applicant may renew his prayer for bail before this Court by moving a fresh bail application.

11. The concerned Sessions Judge is directed to monitor progress of the trial in each & every monthly meeting of the judicial officers.

12. Let a copy of this order be provided to the learned A.G.A. free of cost so that the same may be forwarded to the SSP/SP concerned.

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

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[Mohd. Faiz Alam Khan, J.]

Order Date :- 21.11.2023MVS/-