

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6846 of 2024

Applicant :- Krapali

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

Counsel for Applicant :- Rizwanul Haque Ansari,Santi

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Rizwanul Haque, learned counsel for the applicant and Sri Rao Narendra Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in **Case Crime No.217 of 2021, under Section-302 IPC, Police Station-Daurahra, District-Kheri**, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that applicant was charged for the murder of his wife. Though, the FIR was lodged by the son of the applicant Surat Kumar but he was not the eye witness and this fact is clear from his statement recorded u/s 161 Cr.P.C. Even there is no other eye witness for the incident in question. It is further submitted that though it is alleged that on pointing out of the applicant, one *Khurpa* was recovered which was also sent to forensic examination but there is no report of forensic examination showing any blood stains belonging to the deceased which was found on the alleged weapon.

4. *Per contra*, learned AGA has submitted that there is recovery on pointing out of the applicant. Therefore, applicant is not entitled to release on bail.

5. Considering the rival submission of learned counsel for the parties and on perusal of record, it appears that there is no eye witness of the incident in question though the first informant who is the son of the applicant has stated that his father (applicant) has killed his mother but it

is not mentioned in his statement that he had seen the incident in question.

6. Apart from this, there is no Forensic Science Laboratory report showing the blood stains of the deceased on the recovered *Khurpa* on pointing out of the applicant.

7. In view of the above, applicant is entitled to be released on bail. Therefore, without expressing any opinion on merit of the case, let the applicant-**Krapali** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 25.6.2024

S.Chaurasia