

RENU BALA
2023.04.13 17:00
I attest to the accuracy and
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cropped up between the couple. The death has occurred on 11.07.2018. The brother of the petitioner, who was also arraigned as co-accused, has since died. There is nothing to indicate that any complaint was submitted at any forum on account of matrimonial dispute between the parties for a period of 14 years. The sister and sister-in-law of the petitioner have been granted anticipatory bail. The petitioner is in custody for a period of 04 years, 08 months and 28 days.

Learned State counsel has opposed the bail application on the score that the occurrence took place in the house of the petitioner and the cause of death has been stated to be asphyxia due to smothering. Furthermore, there were injuries on the person of the deceased which were found at the time of postmortem examination. It has been further submitted that out of 16, 07 witnesses have been examined.

Learned counsel for the complainant has opposed the bail application on the score that the petitioner is a police official and for that reason, the prosecuting agency is delaying the trial and not producing witnesses.

On a query, learned State counsel submits that all the remaining 09 witnesses have to be examined. The petitioner is in custody for a period of 04 years, 08 months and 28 days and out of 16, 07 witnesses have been examined and still 09 witnesses remain to be examined. The co-accused are on bail. There is nothing on record to indicate that any complaint was submitted at any forum on account of matrimonial dispute between the petitioner and the deceased during her lifetime. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

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petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

13.04.2023

renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No