

CRM-M-11717-2022(O&M)
Date of decision: 23.08.2023

...PETITIONER

...RESPONDENT

749 moved in the learned trial Court. The said application has been dismissed and

revision petition has been preferred against the said order.

5. Learned State counsel has opposed the bail application on the score that the cause of death in the instant case is asphyxia, which is resultant of possible smothering, which was antemortem in nature and sufficient to cause death. The charge has been framed under Section 302 and in the alternative 304-B IPC. The prosecution has concluded the evidence and the case in the trial Court is fixed for defence evidence. Moreover, the petitioner is a convict in a case under Section 138 of Negotiable Instruments Act and under trial in 06 other cases.

6. In the instant case, the prosecution has already concluded the evidence and the case in the trial Court is fixed for defence evidence. The charge is stated to have been framed under Section 302 and in the alternative 304-B IPC. The application for recall of the witness has been declined by the trial Court. Although, a revision is stated to have been preferred but at present, the delay, if any, in disposal of the trial cannot be attributed to the prosecution.

7. Keeping in view the entire circumstances, the stage of the case in the trial Court and the antecedents of the petitioner, no ground is made out to extend the concession of bail to the petitioner.

8. In view of the above, the present petition is dismissed.

23.08.2023

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(VIVEK PURI)
JUDGE

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