

Shivlal vs State Of U.P. on 31 January, 2025

Author: Rajeev Misra

Bench: Rajeev Misra

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14859

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2913 of 2025

Applicant :- Shivlal

Opposite Party :- State of U.P.

Counsel for Applicant :- Avinash Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

Heard Mr. Avinash Pandey, the learned counsel for applicant and the learned A.G.A. for State.

Perused the record.

This repeat application for bail has been filed by applicants Shivlal seeking his enlargement on bail in Case Crime No. 321 of 2023, under sections 498A, 304B IPC and 3/4 D.P. Act, Police Station- Behat, District Saharnapur during pendncy of trial i.e. Sessions Trial No. 2367 of 2023 (State Vs. Sandeep and Others), under sections 498A, 304B IPC and 3/4 D.P. Act, Police Station- Behat, District Saharnapur.

Record shows that first bail application of applicant was rejected by this Court by a detailed order dated 31.10.2023, passed in Criminal Misc. Bail Application No. 36963 of 2023 (Shivlal Vs. State of U.P). For ready reference, the same is extracted herein below:

"1. Heard Mr. Shravana Kumar Yadav, the learned counsel for applicant and the learned A.G.A.

2. Perused the Court.

3. This application for bail has been filed by applicant-Shivlal seeking his enlargement on bail in Case Crime No. 321 of 2023 under Sections 498A, 304B I.P.C. and Sections 3/4 Dowry Prohibition Act, Police Station-Behat, District- Saharanpur, during the pendency of trial.

4. Record shows that Marriage of Sandeep son of applicant was solemnized with Ritika @ Ritu on 22.02.2023. However, just after expiry of a period of four months from the date of marriage of the son of applicant an unfortunate incident occurred on 26.06.2023 in which the daughter-in-law of applicant namely Ritika @ Ritu died as she committed suicide by hanging herself. 5. Information regarding aforementioned occurrence at the police station concerned was not given by applicant or any of his family members but by Nishad (brother of the deceased).

6. Subsequently, the first informant Sri Lakshmi Chand father of the deceased lodged a prompt F.I.R. dated 26.06.2023, which was registered as Case Crime No. 321 of 2023 under Sections 498A, 304B I.P.C. and Sections 3/4 Dowry Prohibition Act, Police Station-Behat, District- Saharanpur. In the aforesaid F.I.R. three persons namely Sandeep , Premjeet and Shivlal (applicant herein) have been nominated as named accused. 6. The gravamen of the allegations made in the F.I.R. is to the effect that marriage of daughter of first informant was solemnized with Sandeep on 22.02.2023. At the time of marriage sufficient amounts of goods and dowry were given. However, subsequently, additional demand of dowry was made. As the said demand of dowry was not fulfilled, physical and mental cruelty was committed upon the daughter of first informant. Ultimately, the daughter of first informant was put to death.

7. Thereafter, inquest (Panchnama) of the body of deceased was conducted on 26.06.2023. In the opinion of the witnesses of inquest (Panch witnesses), the nature of death of the deceased was categorized as suicidal and the cause of death was opined as hanging. Subsequent to above, post-mortem of the body of the deceased was conducted. In the opinion of Autopsy Surgeon, who conducted autopsy of the body of the deceased, the cause of death of deceased is asphyxia as a result of ante mortem hanging, However viscera of the deceased was preserved. The Autopsy Surgeon found following ante mortem injuries on the body of the deceased:

1. Abraison 9x1 cm on front of Rt. side neck ii. 14 cm above from Rt. medial end of clavicle.

iii. 25 cm above from Rt. mid clavicle.

iv. 23 cm above from Lt. mid clavicle.

8. After aforementioned F.I.R. was lodged, the Investigating Officer proceeded with statutory investigation of concerned case crime number in terms of Chapter XII Cr.P.C. During course of investigation, he examined the first informant and other witnesses under Section 161 Cr.P.C., who have substantially supported the F.I.R. On the basis of above and other material collected by Investigating Officer during the course of investigation, he came to the conclusion that complicity of two of the named accused namely Sandeep and Shivlal (applicant herein) is fully established in the crime in question. He accordingly submitted the charge-sheet dated 18.09.2023 whereby both the named accused have been charge sheeted under Sections 498A, 304B I.P.C. and Sections 3/4 Dowry Prohibition Act. Investigation in respect of another named accused Premjeet is said to be pending.

9. Learned counsel for applicants submits that though the applicant is father-in-law of the deceased, named as well as charge sheeted accused yet he is liable to be enlarged on bail. With reference to the material on record, he submits that the deceased was a short tempered lady and she has taken the extreme step of terminating her life by hanging herself. Bonafide of applicant is also explicit from the fact that in the opinion of Autopsy Surgeon, the cause of death of deceased is asphyxia as a result of ante mortem hanging. As such, prima facie, the death of deceased is a suicidal death. Moreover no internal or external ante-mortem injury was found on the body of the deceased by the autopsy surgeon. The same depicts the bonafide of applicant. Applicant cannot be said to be the beneficiary of the alleged demand of dowry. No abetment, instigation or conspiracy can be inferred against applicant from the record either. Allegations with regard to demand of additional dowry and commission of physical and mental cruelty upon deceased on account of non-fulfilment of additional demand of dowry are vague and bald allegation as they are devoid of material particulars. As such, the same are liable to be ignored by this Court at this stage in view of the law laid down by Apex Court in *Kahkashan Kausar @ Sonam and others Vs. State of Bihar and Others*, (2022) 6SCC 599.

10. Learned counsel for applicants further contends that considering the nature of death of deceased, applicant is not liable to be awarded the maximum sentence for an offence under Section 304B I.P.C. Even otherwise applicant is a man of clean antecedents inasmuch he has no criminal history to his credit except the present one. Applicant is in custody since 27.06.2023 As such, he has under-gone more than four months of incarceration. The police report (charge-sheet) in terms of Section 173 (2) Cr.P.C. has already been submitted, therefore, the entire evidence sought to be relied upon by the prosecution against applicant stands crystallised. Upto this stage, no such incriminating circumstance has emerged necessitating the custodial arrest of applicants during the pendency of trial. He therefore contends that applicant is liable to be enlarged on bail. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail and shall co-operate with the trial.

11. Per contra, the learned A.G.A. for State has opposed the prayer for bail. he submits that since the applicant is a named as well as charge sheeted accused, therefore, he does not deserve any indulgence by this Court. He submits that death of deceased has occurred just after expiry of a period of four months from the date of marriage. The death of deceased is a dowry death. The deceased was a young lady aged about 21 years whose death has occurred in unnatural circumstance. By reason of above, applicant being an inmate of the house and is father in law of the deceased, is therefore, under burden to not only explain the manner of occurrence but also his innocence in terms of Section 106 and Section 113B of Evidence Act. However, applicant has miserably failed to discharge the said burden upto this stage. On the above conspectus, the learned A.G.A. submits that no sympathy be shown by this court in favour of applicant.

12. When confronted with above the learned counsel for applicant could not over come the same.

13. Having heard the learned counsel for applicant, the learned A.G.A. for State, upon consideration of material on record, evidence, gravity and nature of offence, accusations made as well as complicity of applicant coupled with the fact that the learned counsel for applicant could not dislodge the submissions urged by learned A.G.A. in opposition of the present application for bail, therefore irrespective of the submissions urged by learned counsel for applicant in support of present application for bail this Court, this Court does not find any sufficient or good ground to enlarge the applicant on bail.

14. As a result, present application for bail fails and is liable to be rejected.

15. It is accordingly rejected. "

Learned counsel for applicant submits that subsequent to above order dated 31.10.2023, co-accused Premjeet @ Paramjeet has already been enlarged on bail vide order dated 12.12.2024, passed in Criminal Misc. Bail Application No. 38723 of 2024 (Premjeet Alias Paramjeet Vs. State of U.P.). The order dated 12.12.2024 is reproduced herein under:

"Heard Mr. Avinash Pandey, the learned counsel for applicant and the learned A.G.A. for State.

Perused the record.

Supplementary affidavit filed by the learned counsel for applicant and an affidavit of compliance filed by the learned A.G.A. in Court today are taken on record.

Applicant- Premjeet Alias Paramjeet has filed this application for bail seeking his enlargement on bail inCase Crime No. 321 of 2023, under section 498A, 304B IPC and 3/4 D.P. Act, Police Station- Behat, District- Saharanpur during pendency of trial.

At the very outset, the learned counsel for applicant submits that bail application of co-accused Shivlal, father-in-law of the deceased was rejected by this Court by a detailed order dated 31.10.2023. For ready reference, the order dated 31.10.2023, passed by this Court in Criminal Misc. Bail Application No. 36963 of 2023 is reproduced herein under:

1. Heard Mr. Shravana Kumar Yadav, the learned counsel for applicant and the learned A.G.A.

2. Perused the Court.

3. This application for bail has been filed by applicant-Shivlal seeking his enlargement on bail in Case Crime No. 321 of 2023 under Sections 498A, 304B I.P.C. and Sections 3/4 Dowry Prohibition Act, Police Station-Behat, District- Saharanpur, during the pendency of trial.

4. Record shows that Marriage of Sandeep son of applicant was solemnized with Ritika @ Ritu on 22.02.2023. However, just after expiry of a period of four months from the date of marriage of the son of applicant an unfortunate incident occurred on 26.06.2023 in which the daughter-in-law of applicant namely Ritika @ Ritu died as she committed suicide by hanging herself.

5. Information regarding aforementioned occurrence at the police station concerned was not given by applicant or any of his family members but by Nishad (brother of the deceased).

6. Subsequently, the first informant Sri Lakshmidhara father of the deceased lodged a prompt F.I.R. dated 26.06.2023, which was registered as Case Crime No. 321 of 2023 under Sections 498A, 304B I.P.C. and Sections 3/4 Dowry Prohibition Act, Police Station-Behat, District- Saharanpur. In the aforesaid F.I.R. three persons namely Sandeep , Premjeet and Shivlal (applicant herein) have been nominated as named accused.

6. The gravamen of the allegations made in the F.I.R. is to the effect that marriage of daughter of first informant was solemnized with Sandeep on 22.02.2023. At the time of marriage sufficient amounts of goods and dowry were given. However, subsequently, additional demand of dowry was made. As the said demand of dowry was not fulfilled, physical and mental cruelty was committed upon the daughter of first informant. Ultimately, the daughter of first informant was put to death.

7. Thereafter, inquest (Panchnama) of the body of deceased was conducted on 26.06.2023. In the opinion of the witnesses of inquest (Panch witnesses), the nature of death of the deceased was categorized as suicidal and the cause of death was opined as hanging. Subsequent to above, post-mortem of the body of the deceased was

conducted. In the opinion of Autopsy Surgeon, who conducted autopsy of the body of the deceased, the cause of death of deceased is asphyxia as a result of ante mortem hanging, However viscera of the deceased was preserved. The Autopsy Surgeon found following ante mortem injuries on the body of the deceased:

1. Abraison 9x1 cm on front of Rt. side neck ii. 14 cm above from Rt. medial end of clavicle.
- iii. 25 cm above from Rt. mid clavicle.
- iv. 23 cm above from Lt. mid clavicle.

8. After aforementioned F.I.R. was lodged, the Investigating Officer proceeded with statutory investigation of concerned case crime number in terms of Chapter XII Cr.P.C. During course of investigation, he examined the first informant and other witnesses under Section 161 Cr.P.C., who have substantially supported the F.I.R. On the basis of above and other material collected by Investigating Officer during the course of investigation, he came to the conclusion that complicity of two of the named accused namely Sandeep and Shivlal (applicant herein) is fully established in the crime in question. He accordingly submitted the charge-sheet dated 18.09.2023 whereby both the named accused have been charge sheeted under Sections 498A, 304B I.P.C. and Sections 3/4 Dowry Prohibition Act. Investigation in respect of another named accused Premjeet is said to be pending.

9. Learned counsel for applicants submits that though the applicant is father-in-law of the deceased, named as well as charge sheeted accused yet he is liable to be enlarged on bail. With reference to the material on record, he submits that the deceased was a short tempered lady and she has taken the extreme step of terminating her life by hanging herself. Bonafide of applicant is also explicit from the fact that in the opinion of Autopsy Surgeon, the cause of death of deceased is asphyxia as a result of ante mortem hanging. As such, prima facie, the death of deceased is a suicidal death. Moreover no internal or external ante-mortem injury was found on the body of the deceased by the autopsy surgeon. The same depicts the bonafie of applicant. Applicant cannot be said to be the beneficiary of the alleged demand of dowry. No abetment, instigation or conspiracy can be inferred against applicant from the record either. Allegations with regard to demand of additional dowry and commission of physical and mental cruelty upon deceased on account of non-fulfilment of additional demand of dowry are vague and bald allegation as they are devoid of material particulars. As such, the same are liable to be ignored by this Court at this stage in view of the law laid down by Apex Court in *Kahkashan Kausar @ Sonam and others Vs. State of Bihar and Others*, (2022) 6SCC 599.

10. Learned counsel for applicants further contends that considering the nature of death of deceased, applicant is not liable to be awarded the maximum sentence for an

offence under Section 304B I.P.C. Even otherwise applicant is a man of clean antecedents inasmuch he has no criminal history to his credit except the present one. Applicant is in custody since 27.06.2023 As such, he has under-gone more than four months of incarceration. The police report (charge-sheet) in terms of Section 173 (2) Cr.P.C. has already been submitted, therefore, the entire evidence sought to be relied upon by the prosecution against applicant stands crystallised. Upto this stage, no such incriminating circumstance has emerged necessitating the custodial arrest of applicants during the pendency of trial. He therefore contends that applicant is liable to be enlarged on bail. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail and shall co-operate with the trial.

11. Per contra, the learned A.G.A. for State has opposed the prayer for bail. he submits that since the applicant is a named as well as charge sheeted accused, therefore, he does not deserve any indulgence by this Court. He submits that death of deceased has occurred just after expiry of a period of four months from the date of marriage. The death of deceased is a dowry death. The deceased was a young lady aged about 21 years whose death has occurred in unnatural circumstance. By reason of above, applicant being an inmate of the house and is father in law of the deceased, is therefore, under burden to not only explain the manner of occurrence but also his innocence in terms of Section 106 and Section 113B of Evidence Act. However, applicant has miserably failed to discharge the said burden upto this stage. On the above conspectus, the learned A.G.A. submits that no sympathy be shown by this court in favour of applicant.

12. When confronted with above the learned counsel for applicant could not over come the same.

13. Having heard the learned counsel for applicant, the learned A.G.A. for State, upon consideration of material on record, evidence, gravity and nature of offence, accusations made as well as complicity of applicant coupled with the fact that the learned counsel for applicant could not dislodge the submissions urged by learned A.G.A. in opposition of the present application for bail, therefore irrespective of the submissions urged by learned counsel for applicant in support of present application for bail this Court, this Court does not find any sufficient or good ground to enlarge the applicant on bail.

14. As a result, present application for bail fails and is liable to be rejected.

15. It is accordingly rejected. ""

It is then contended by the learned counsel for applicant that subsequent to the order dated 31.10.2023, the trial of named and charge sheeted accused commenced before Court below. First informant Laxmi Chand, father of the deceased deposed before Court below as PW.1. However, this witness in his deposition before Court below has not supported the F.I.R. Consequently, he has been

declared hostile. On the above premise, the learned counsel for applicant submits that once the first informant has himself not supported the F.I.R., as such, no good ground exists to prolong the custodial arrest of applicant during the pendency of trial.

Even otherwise, applicant is a man of clean antecedents inasmuch as he has no criminal history to his credit except the present one. Applicant is in jail since 17.2.2024. As such, he has undergone more than nine months of incarceration. The police report in terms of Section 173 (2) Cr.P.C. has already been submitted against applicant, as such, the entire evidence sought to be relied upon by prosecution against applicants stands crystalized. However, upto this stage no such incriminating circumstance has emerged necessitating the custodial arrest of applicant during the pendency of trial. It is thus urged by the learned counsel for applicant that applicant is liable to be enlarged on bail. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail and shall co-operate with the trial.

Per contra, the learned A.G.A. has opposed the prayer for bail. He submits that since applicant is a named as well as charge sheeted accused, therefore he does not deserve any indulgence by this Court. However, he could not dislodge the factual and legal submissions urged by learned counsel for applicant, with reference to the record at this stage.

Having heard the learned counsel for applicant, the learned A.G.A. for State, upon perusal of material brought on record, evidence, nature and gravity of offence as well as complicity of applicant, accusation made coupled with the fact that father of the deceased/first informant who has deposed before Court below as P.W.1 has not supported the F.I.R, therefore, no good ground exists to prolong the custodial arrest of applicant during the pendency of trial, police report in terms of Section 173 (2) Cr.P.C. has already been submitted against applicant, as such, the entire evidence sought to be relied upon by prosecution against applicants stands crystalized, yet inspite of above, the learned A.G.A. could not point out any such circumstance from the record necessitating custodial arrest of applicant during pendency of trial, the period of incarceration undergone, the clean antecedents of applicant, the clean antecedents of applicant, the period fo incarceration undergone, therefore, irrespective of the objections raised by the learned A.G.A. in opposition to the present application for bail, but without making any comment on the merits of the case, applicant has made out a case for bail.

Accordingly, the bail application is Allowed.

Let the applicant Premjeet Alias Paramjeet, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

- (i) THE APPLICANT SHALL FILE AN UNDERTAKING TO THE EFFECT THAT HE/SHE SHALL NOT SEEK ANY ADJOURNMENT ON THE DATE FIXED FOR EVIDENCE WHEN THE WITNESSES ARE PRESENT IN COURT. IN CASE OF DEFAULT OF THIS CONDITION, IT SHALL BE OPEN FOR THE TRIAL COURT TO TREAT IT AS ABUSE OF LIBERTY OF BAIL AND PASS ORDERS IN ACCORDANCE

WITH LAW.

(ii) THE APPLICANT SHALL REMAIN PRESENT BEFORE THE TRIAL COURT ON EACH DATE FIXED, EITHER PERSONALLY OR THROUGH HIS/HER COUNSEL. IN CASE OF HIS/HER ABSENCE, WITHOUT SUFFICIENT CAUSE, THE TRIAL COURT MAY PROCEED AGAINST HIM/HER UNDER SECTION 229-A IPC.

(iii) IN CASE, THE APPLICANT MISUSES THE LIBERTY OF BAIL DURING TRIAL AND IN ORDER TO SECURE HIS/HER PRESENCE PROCLAMATION UNDER SECTION 82 CR.P.C., MAY BE ISSUED AND IF APPLICANT FAILS TO APPEAR BEFORE THE COURT ON THE DATE FIXED IN SUCH PROCLAMATION, THEN, THE TRIAL COURT SHALL INITIATE PROCEEDINGS AGAINST HIM/HER, IN ACCORDANCE WITH LAW, UNDER SECTION 174-A IPC.

(iv) THE APPLICANT SHALL REMAIN PRESENT, IN PERSON, BEFORE THE TRIAL COURT ON DATES FIXED FOR (1) OPENING OF THE CASE, (2) FRAMING OF CHARGE AND (3) RECORDING OF STATEMENT UNDER SECTION 313 CR.P.C. IF IN THE OPINION OF THE TRIAL COURT ABSENCE OF THE APPLICANT IS DELIBERATE OR WITHOUT SUFFICIENT CAUSE, THEN IT SHALL BE OPEN FOR THE TRIAL COURT TO TREAT SUCH DEFAULT AS ABUSE OF LIBERTY OF BAIL AND PROCEED AGAINST THE HIM/HER IN ACCORDANCE WITH LAW.

(v) THE TRIAL COURT MAY MAKE ALL POSSIBLE EFFORTS/ENDEAVOUR AND TRY TO CONCLUDE THE TRIAL WITHIN A PERIOD OF ONE YEAR AFTER THE RELEASE OF THE APPLICANT.

However, it is made clear that any wilful violation of above conditions by the applicant, shall have serious repercussion on his/her bail so granted by this court and the trial court is at liberty to cancel the bail, after recording the reasons for doing so, in the given case of any of the condition mentioned above. "

On the aforesaid premise, learned counsel for applicant contends that case of present applicant is similar and identical to co-accused Premjeet @ Paramjeet. There is no such distinguishing feature on the basis of which case of present applicant can be so distinguished from aforesaid bailed out co-accused so as to deny him bail. He, therefore, contends that in view of above and for the facts and reasons mentioned in the order dated 12.12.2024, applicant is also liable to be enlarged on bail on the ground of parity.

It is then contended by the learned counsel for applicant that applicant is father-in-law of the deceased. Trial of applicant has already commenced before Court below. Up to this stage, three prosecution witnesses of fact have been deposed before Court below. However, the prosecution witnesses of fact, who have deposed up to this

stage, have not supported the F.I.R. He, therefore, contends that in view of above, no useful purpose shall be served in prolonging the custodial arrest of applicant.

Even otherwise, applicant is a man of clean antecedents inasmuch as he has no criminal history to his credit except the present one. Applicant is in jail since 27.6.2023. As such, he has undergone more than one year and six months of incarceration. The police report in terms of Section 173 (2) Cr.P.C. has already been submitted against applicant, as such, the entire evidence sought to be relied upon by prosecution against applicant stands crystalized. However, upto this stage no such incriminating circumstance has emerged on record necessitating the custodial arrest of applicant during pendency of trial. It is thus urged by the learned counsel for applicant that applicant is liable to be enlarged on bail. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail and shall co-operate with the trial.

Per contra, the learned A.G.A. and learned counsel for first informant have opposed the prayer for bail. They submit that since applicant is the father-in-law of deceased a named as well as charge sheeted accused, therefore he does not deserve any indulgence by this Court. The occurrence giving rise to present criminal proceedings occurred on 26.6.2023 . Moreover, the occurrence has taken place in the house of applicant and within seven years of marriage. As such, the death of the deceased is a dowry death. By reason of above, the burden is upon the applicant himself to not only to explain the manner of occurrence in terms of Section 106 and but also his innocence under section 113 of the Evidence Act. However, applicant has miserably failed to dislodge the aforesaid burden up to this stage. It is thus urged that no sympathy be shown by this Court in favour of applicant. However, they could not dislodge the factual and legal submissions urged by the learned counsel for applicant, with reference to the record at this stage.

Having heard the learned counsel for applicant, the learned A.G.A. for State, upon perusal of material brought on record, evidence, nature and gravity of offence as well as complicity of applicant, accusation made coupled with the fact that similar situate and circumstanced, named and charge sheeted co-accused has already been enlarged on bail, case of present applicant is similar and identical to bailed out co-accused Premjeet @ Paramjeet, applicant is father-in-law of deceased, whereas bailed out co-accused is devar of deceased upto this stage, three prosecution witnesses have deposed before Court below, however, they have not supported the F.I.R., as such, no good ground has emerged to prolong the custodial arrest of applicant, learned A.G.A. could not point out any such distinguishing feature on the basis of which case of present applicant can be so distinguished from bailed out accused so as to deny him bail, the Police Report in terms of Section 173(2) Cr.P.C. has already been submitted therefore the entire evidence sought to be relied upon by the prosecution against applicant stands crystalized yet inspire of above the learned A.G.A. could not point out any such circumstance from the record, necessitating the custodial arrest of

applicant during the pendency of trial, the period of incarceration undergone, clean antecedents of applicant, the judgement of Supreme Court in Subhaschandra Gangwal and another Vs. The state of maharashtra and Another, 2023 Live law (SC) 373, therefore irrespective of the objections raised by the learned A.G.A. and the learned counsel representing first informant in opposition to the present repeat application for bail, but without making any comment on the merits of the case, applicant has made out a case for bail.

Accordingly the bail application is allowed.

Let the applicant Shivlal be released on bail in the aforesaid case crime number 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 which are being imposed in the interest of justice:-

(i) THE APPLICANT SHALL FILE AN UNDERTAKING TO THE EFFECT THAT HE/SHE SHALL NOT SEEK ANY ADJOURNMENT ON THE DATE FIXED FOR EVIDENCE WHEN THE WITNESSES ARE PRESENT IN COURT. IN CASE OF DEFAULT OF THIS CONDITION, IT SHALL BE OPEN FOR THE TRIAL COURT TO TREAT IT AS ABUSE OF LIBERTY OF BAIL AND PASS ORDERS IN ACCORDANCE WITH LAW.

(ii) THE APPLICANT SHALL REMAIN PRESENT BEFORE THE TRIAL COURT ON EACH DATE FIXED, EITHER PERSONALLY OR THROUGH HIS/HER COUNSEL. IN CASE OF HIS/HER ABSENCE, WITHOUT SUFFICIENT CAUSE, THE TRIAL COURT MAY PROCEED AGAINST HIM/HER UNDER SECTION 229-A IPC.

(iii) IN CASE, THE APPLICANT MISUSES THE LIBERTY OF BAIL DURING TRIAL AND IN ORDER TO SECURE HIS/HER PRESENCE PROCLAMATION UNDER SECTION 82 CR.P.C., MAY BE ISSUED AND IF APPLICANT FAILS TO APPEAR BEFORE THE COURT ON THE DATE FIXED IN SUCH PROCLAMATION, THEN, THE TRIAL COURT SHALL INITIATE PROCEEDINGS AGAINST HIM/HER, IN ACCORDANCE WITH LAW, UNDER SECTION 174-A IPC.

(iv) THE APPLICANT SHALL REMAIN PRESENT, IN PERSON, BEFORE THE TRIAL COURT ON DATES FIXED FOR (1) OPENING OF THE CASE, (2) FRAMING OF CHARGE AND (3) RECORDING OF STATEMENT UNDER SECTION 313 CR.P.C. IF IN THE OPINION OF THE TRIAL COURT ABSENCE OF THE APPLICANT IS DELIBERATE OR WITHOUT SUFFICIENT CAUSE, THEN IT SHALL BE OPEN FOR THE TRIAL COURT TO TREAT SUCH DEFAULT AS ABUSE OF LIBERTY OF BAIL AND PROCEED AGAINST THE HIM/HER IN ACCORDANCE WITH LAW.

(v) THE TRIAL COURT MAY MAKE ALL POSSIBLE EFFORTS/ENDEAVOUR AND TRY TO CONCLUDE THE TRIAL WITHIN A PERIOD OF ONE YEAR AFTER THE RELEASE OF THE APPLICANT.

However, it is made clear that any wilful violation of above conditions by the applicant, shall have serious repercussion on his/her bail so granted by this court and the trial court is at liberty to cancel the bail, after recording the reasons for doing so, in the given case of any of the condition mentioned above.

Order Date :- 31.1.2025 Arshad