

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 23174 of 2022

Applicant :- Raju Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Nanhe Lal Tripathi, Satish Kumar Mishra, Sunil Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Shri Sunil Kumar Misra, learned counsel for the applicant and Shri Ravi Kant Kushwaha, learned A.G.A. for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.67 of 2021, under Section 365, 302, 34, 201, 120-B IPC, Police Station Garhmukhteshwar, District Hapur, during pendency of the trial in the court below.

3. FIR of the present case was lodged against unknown persons, under Section 365 I.P.C. and according to the FIR, brother of the informant had gone on 12.02.2021 at about 6:00 in the evening but since then he was missing.

4. Learned counsel for the applicant submits that applicant was not named in the FIR but it is alleged that during investigation his name was surfaced and after arrest, he confessed his guilt and on the pointing out of applicant and another accused, dead-body of the brother of the informant was recovered from the sugarcane field.

5. He further submits that as per prosecution, applicant also

confessed that after committing the murder of the deceased, he handed over his battery operated rickshaw to his brother-in-law (*Sadhu*), who resides in Ghaziabad and thereafter the battery operated rickshaw of the deceased was recovered from the house of the *Sadhu* of the applicant but entire allegation and recovery is totally false and baseless and in fact after recovery of the dead-body of the deceased from open field, applicant has been made accused in the present matter and false recovery of the battery operated rickshaw of the deceased has been shown from the house of the *Sadhu* of the applicant.

6. He further submits that except these two evidences, there is no other evidence against the applicant on record.

7. He further submits that the applicant is not having any criminal history and he is in jail in the present matter since 15.02.2021 i.e. for last more than two and a half years.

8. Per contra, learned AGA opposed the prayer for bail and submits that as on the pointing out of the applicant and another accused, dead-body of the deceased was recovered from the sugarcane field, which was dense one and even his confessional statement also corroborated by the recovery of battery operated rickshaw of the deceased from the house of his brother-in-law, therefore all the circumstances indicate towards the guilt of the applicant and therefore, he is not entitled to be released on bail.

9. I have heard learned counsel for both the parties and perused the record of the case.

10. However, it is a case of circumstantial evidence and applicant is in jail since 15.02.2021 i.e. for last more than two and a half years but there are clinching circumstances against him i.e. when

he was arrested then he confessed his guilt and on the pointing out of applicant and another accused, dead-body of the brother of the informant was recovered from the sugarcane field. I find force in the argument advanced by learned A.G.A. that sugarcane field is a dense field, therefore, it was not accessible to all. Further, in his confessional statement, he also disclosed that after committing the murder of the deceased, he looted his battery operated rickshaw and handed over the same to his brother-in-law (*Sadhu*), who resides in Ghaziabad and on his information, police recovered the battery operated rickshaw of the deceased from the house of the *Sadhu* of the applicant and therefore, recovery of the dead-body of the deceased and of his battery operated rickshaw corroborates the confessional statement of the applicant.

11. Therefore, considering the facts and circumstances, discussed above, I am not inclined to release the applicant on bail at this stage accordingly the instant bail application filed by the applicant - **Raju Singh is rejected.**

12. However, considering the fact that applicant is in jail since 15.02.2021 i.e. for last more than two and a half years, trial court is directed to conclude the trial of the case within a period of nine months from the date of production of a certified copy of this order on day to day basis strictly as per the provisions of Section 309 Cr.P.C. without granting any unnecessary adjournments to either of the parties, if there is no legal impediments.

Order Date :- 2.12.2023
Zafar