

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22486 of 2023

Applicant :- Ram Vilas And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhaiya Ram Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

Heard Mr. Bhaiya Ram Maurya, the learned counsel for applicants and the learned A.G.A. for State.

Perused the record.

This bail application has been filed by the applicants Ram Vilas and Suraj seeking their enlargement on bail in Case Crime No. 251 of 2022, under Sections 403. 34 I.P.C., P.S. Kurrah, District Mainpuri, during the pendency of trial.

Record shows that in respect of an incident, which is alleged to have occurred on 01.12.2022, a delayed F.I.R. dated 02.12.2022 was lodged by first informant Jagdish and was registered as Case Crime No. 251 of 2022, under Sections 403. 34 I.P.C., P.S. Kurrah, District Mainpuri. In the aforesaid F.I.R., 4 persons namely Sahib Singh, Vantu alias Ram Prakash, Ram Vilas and Suraj have been nominated as named accused.

Learned counsel for applicants submits that though the applicants are named and charge sheeted accused, inasmuch as the charge sheet has been submitted against applicants on 19.12.2022, yet they are liable to be enlarged on bail. The present case is a case of circumstantial evidence. Therefore, there is no eyewitness of the occurrence. Upto this stage, no such incriminating circumstance has emerged, so as to infer the guilt of applicants in the crime in question.

Even otherwise, applicants are men of clean antecedents, inasmuch as they have no criminal history to their credit except the present one. Applicants are in jail since 03.12.2022. As such, they have undergone more than 9 and 1/2 months of incarceration. The police report in terms of Section 173 (2) Cr. P. C. has already been

submitted. As such, the entire evidence sought to be relied upon by the prosecution against applicants stands crystallized. However, no such circumstance has emerged necessitating the custodial arrest of the applicants during the pendency of trial. It is thus urged that applicants are liable to be enlarged on bail. In case, the applicants are enlarged on bail, they 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 the F.I.R. giving rise to present application for bail was lodged by the father of deceased. In the F.I.R., it is categorically alleged that named accused including the applicants were working in the field of first informant and the son of first informant (deceased) who is a disabled man was stationed in the field to supervise. The first informant has clearly supported the F.I.R. in his statement under Section 161 Cr. P. C. Allegations made in the first information report could not be contradicted by the learned counsel for applicants. As such no indulgence be granted by this Court in favour of applicants.

When confronted with above, the learned counsel for applicants could not overcome the same.

Having heard the learned counsel for applicant, the learned A.G.A. for state, upon perusal of material brought on record, nature and gravity of offence, evidence, complicity of the accused, accusation made and coupled with the fact that the deceased having been left by his father in the company of named accused including applicants and there being no explanation by the applicants regarding the occurrence, therefore, irrespective of submission urged by the learned counsel for applicants in support of the present application for bail, but without making any comments on the merits of the case, this Court does not find any good ground to enlarge the applicants on bail.

As a result, the bail application fails and is liable to be rejected.

It is, accordingly, **rejected**.

Order Date :- 26.10.2023

HSM