

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41115 of 2020

Applicant :- Sandeep @ Bhartu

Opposite Party :- State of U.P.

Counsel for Applicant :- Birendra Singh Khokher, Kaustubh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Yogendra Pal Singh, learned counsel for the applicant and Sri Brijesh Pratap Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 237 of 2016, under Sections 302, 386, 216, 120-B, 34 IPC, Police Station- Rohta, District- Meerut, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 08.09.2016 against six persons(non applicant) and two unknown persons and according to the FIR, nominated accused opened fire and due to fire opened by them, two persons died.
4. Learned counsel for the applicant submitted that applicant was not named in the FIR and when nominated accused, who caused fire arm injury to the deceased were arrested then they disclosed the name of the applicant and stated that applicant is detained in jail and he hired them to commit both murders and thereafter applicant was made accused in the present matter.
5. He further submitted that except the statement of accused persons, there is no other evidence against the applicant on record. He further submitted that applicant is having criminal history of about 15 cases and on the basis of his criminal history, he has been made accused in the present matter. He further submitted that entire criminal history of the applicant has been explained in the supplementary affidavit.
6. He further submitted that applicant is in jail in the present matter since November, 2016 i.e. for almost seven years and till date, trial

of the case could not be concluded. He further submitted that however, applicant is in jail in other cases since the year 2013, therefore, considering the long incarceration of the applicant and evidence available against him, he should be released on bail.

7. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is hardened criminal and he is having very decent criminal history of more than 15 cases to his credit since the year 2008 including cases under Section 302 IPC and there is evidence that he hired the criminals to eliminate the deceased persons, therefore, merely on the ground of long incarceration, such persons should not be released on bail and if such persons would be released on bail then they will definitely tamper the evidence and witnesses will never be turn up, therefore, applicant should not be released on bail.

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

9. However, from the record, it reflects that on the basis of provisions of Section 120-B IPC of conspiracy, applicant has been made accused in the present matter though the statements of co-accused persons but from the perusal of the statements of the accused persons, who alleged to have committed the murders of two persons by causing fire arm injury to them, it appears that applicant hired them and on his instructions, they executed the crime.

10. Further, applicant is having criminal history of more than 15 cases since the year 2008 including the cases under Section 302 IPC. Further, however, he is in jail in the present matter since November, 2016 i.e. for almost seven years and in other cases he is in jail since the year 2013 but considering the nature of allegation and criminal history of the applicant, I am not inclined to release the applicant on bail.

11. Accordingly, the instant bail application is **rejected**.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

13. However, considering the fact that applicant is in jail for almost seven years, trial court is directed to conclude the trial of the case within a period of eight months from the date of

production of certified copy of this order in accordance with law, if there is no legal impediment.

Order Date :- 17.11.2023
KK Patel