

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40046 of 2023

Applicant :- Pradeep @ Chhote

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Dubey, Subhash Chandra Maurya

Counsel for Opposite Party :- G.A., Ghan Shyam Das

Hon'ble Nalin Kumar Srivastava, J.

1. Heard Sri Anil Tiwari, learned senior advocate assisted by Sri Anurag Dubey, learned counsel for the applicant, learned A.G.A for the State as well as Sri Kamal Krishna, learned senior advocate assisted by Sri Ghan Shyam Das, learned counsel for the informant and perused the record.

2. This is the third bail application filed on behalf of the applicant - **Pradeep @ Chhote** with the prayer to enlarge him on bail in Case Crime No.008 of 2022, under Section 307 I.P.C., Police Station- Bewar, District- Mainpuri.

3. The first bail application of the accused-applicant has been decided on merits and it has been rejected by this Court vide order dated 09.12.2022 whereas the second bail application of the accused-applicant has been dismissed as withdrawn on 25.4.2023.

4. Learned counsel for the applicant has highlighted some discrepancies occurred in the statement of informant deposed by her as P.W.1 during the course of trial and has impressed upon the fact that there are contradictions in the testimony of P.W.1 before the Court and other witnesses under section 161 Cr.P.C. as to who took the injured to the hospital. It is further submitted that there is material contradiction as to by which weapon the injured was fired upon and during investigation, contradictory statement has been collected on the point whether it was country made pistol of .315 bore or was a rifle. P.W.1 in her statement names it as a .315 bore pistol whereas the doctor, who has medically examined the injured, has got a 9 mm bullet from the injury of the injured. It is also submitted that the police has retrieved a rifle as a weapon which was used in the commission of the crime. It is further submitted that the injured himself is a man of criminal antecedents

and having a criminal history of 23 cases to his credit. It is further submitted that on account of old enmity between the parties, the applicant has been falsely implicated in this matter. He is an ailing person and has been languishing in jail since 5.5.2022.

5. Learned A.G.A. as well as learned counsel for the informant opposed the bail prayer and argued that no new circumstance has arisen after the rejection of earlier bail applications.

6. Firearm injury sustained by the injured is confirmed from the medical report. Prima facie no material discrepancy is found in the testimony of P.W.1. Who took the injured to the hospital is a matter to be ascertained on the basis of evidence recorded during trial. All the other points raised as new and additional grounds by the learned counsel for the applicant have been discussed in the order passed in first bail application of the applicant, which was rejected on merits vide order dated 9.12.2022. No satisfactory new or additional ground has been shown in the present third bail application. I find no ground to enlarge the present accused-applicant on bail.

7. The third bail application of the accused-applicant is hereby **rejected**.

Order Date :- 28.11.2023

SS