

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39622 of 2023

Applicant :- Govind @ Govinda

Opposite Party :- State of U.P.

Counsel for Applicant :- Yogesh Kumar Srivastava, Noor Muhammad

Counsel for Opposite Party :- G.A., Satya Narayan Yadav

Hon'ble Rajeev Misra, J.

Heard Mr. Noor Muhammad, the learned counsel for applicant, the learned A.G.A. for State and Ms. Monika, the learned counsel for first informant.

Perused the record.

This repeat application for bail has been filed by applicant Govind @ Govinda seeking his enlargement on bail in Case Crime No. 57 of 2020, under sections 302, 34 IPC, Police Station- Uttar, District Firozabad, during the pendency of trial.

The first bail application of the applicant was rejected by this Court by a detailed order dated 1.12.2020, passed by this Court in Criminal Misc. Bail Application No. 37300 of 2020 (Govind @ Govinda Vs. State of U.P). For ready reference, same is reproduced herein under:

"Heard Sri Yogesh Kumar Srivastava, learned counsel for the applicant; Sri Sanjeev Kumar Pandey, Advocate, and Sri Virendra Jaiswal, Advocate, holding brief of Sri Namit Kumar Sharma, Advocate, appearing for informant and learned A.G.A.

This bail application has been moved to enlarge the applicant on bail in Case Crime No. 57 of 2020, under Sections 302, 34 I.P.C., Police Station Uttar, District Firozabad.

As per prosecution case, it is alleged that co-accused Achman Upadhyay @ Chhotu along with three other accused caused firearm injury; the deceased succumbed to injuries. It is further alleged that minor daughter of deceased was raped by co-accused Achman Upadhyay @ Chhotu and he was continuously pressurizing the family to withdraw the case.

It is urged by learned counsel for the applicant that applicant is not named in the F.I.R.; the name of the applicant surfaced later in the statement of Jyoti; the post-mortem report shows single gun-shot entry and exit wound; there is no material against the applicant; the circumstances do not link the applicant with commission of the offence.

Learned A.G.A. and learned counsels appearing for first-informant have vehemently opposed the prayer for bail and submit that it is a case of public order; the incident is of 7.00 P.M.; applicant is having criminal antecedents of four cases, including, allegation of tampering of evidence and interfering with the administration of justice.

It is not in the public interest to enlarge the applicant on bail at this stage.

Without expressing any opinion on the merits of the case and considering the submission advanced, I find no good ground for grant of bail to the applicant.

Accordingly, the bail application is rejected at this stage.

The applicant is at liberty to approach the Court for bail after the witnesses of facts are examined. "

At the very outset, the Court raised a pointed query that as to whether the prosecution witnesses of fact have been examined upto this stage or not. Learned counsel for applicant submits that statement of only one prosecution witness i.e. P.W.1 has been recorded till date.

Since the condition for filing repeat application as provided in the order dated 1.12.2020 is not satisfied, therefore, no occasion arises before this Court to dwell into this repeat application.

Application is totally misconceived. It is liable to be rejected.

It is accordingly rejected.

Order Date :- 16.10.2023

Arshad