

**Neutral Citation No. - 2023:AHC:235606**

**Reserved On:- 30.11.2023**

**Delivered On:- 12.12.2023**

**Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40557 of 2023**

**Applicant :- Babloo Sharma**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Santosh Kumar Shukla**

**Counsel for Opposite Party :- G.A., Akash Mishra, Akash Mishra**

**Hon'ble Siddharth, J.**

1. Heard Sri Santosh Kumar Shukla, learned counsel for the applicant; Sri Akash Mishra, learned counsel for the informant; learned A.G.A for the State and perused the material placed on record.
2. The instant bail application has been filed on behalf of the applicant, Babloo Sharma, with a prayer to release him on bail in Case Crime No. 450 of 2022, under Sections- 302/34 IPC and Section 3/25 of Arms Act, Police Station- Friends Colony, District- Etawah.
3. There is allegation in the FIR that the son of informant, Mukesh @ Pinto, was running a Travel Agency. On 30.12.2022, he left from Gurgaon and at about 5:00 a.m in the morning. He got down on Harshvardhan Hotel and started going to his house when he was murdered by some unknown accused by 5:15 a.m. FIR was lodged against unknown accused.
4. Learned counsel for the applicant submits that the applicant has been implicated on the basis of suspicion and recovery of country made pistol of 315 bore with empty cartridge has been made after seven days of the alleged incident after he was arrested on the information given by informer. The statement of bus conductor and another witness was

recorded after 40 days and 75 days respectively. The applicant has no criminal history to his credit and is in jail since 05.01.2023.

5. Learned counsel for the informant has vehemently opposed to the bail application and has submitted that the brother of the deceased has identified the applicant from C.C.T.V footage collected by the investigating officer on the basis of his manner office walking. It has further been submitted by the counsel for the informant that from C.D. No. 13, it is clear that the applicant along with other co-accused came in Car No. HR96 7541 to Etawah on 30.12.2022 which is clear from toll tax receipt. They were arrested along with aforesaid car on 05.01.2023. Soon after the incident, C.D.R location of the accused person and the applicant were found together at the place of incident. He has submitted that although it is case of circumstantial evidence, but the chain of circumstances are complete.

6. Learned counsel for the informant has also filed counter affidavit and has submitted that there is ample evidence collected against the applicant during investigation. He has criminal history of one case which has been explained by the applicant. There is evidence against him in C.C.T.V footage and C.D.R details collected by the investigating officer.

7. Learned A.G.A has also opposed the bail application of the applicant.

8. After hearing the rival contentions, this Court find that it is not a fit case for granting bail to the applicant at this stage.

9. The bail application is accordingly, ***rejected***.

10. Trial court is directed to conclude the trial against applicant within period of one year from the date of production of certified copy of this order before the trial court.

**Order Date :- 12.12.2023**

Rohit