

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41018 of 2023

Applicant :- Suresh Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Prakash Pandey, Lalit Prakash, Lavlesh Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
3. The instant bail application has been filed with a prayer to enlarge the applicant, **Suresh Maurya**, on bail in Case Crime No. 588 of 2021, under Sections 364 I.P.C., Police Station- Anwala, District- Bareilly, during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The F.I.R. has been lodged through application u/s 156(3) Cr.P.C. which was moved with delay of 22 months. After lodging the F.I.R., the applicant was arrested on 17.5.2022 and on the basis of his confessional statement, charge-sheet was submitted by the I.O. It is contended that the applicant has been named as an accused only on the basis of suspicion, there is no independent witness of the alleged incident. As a matter of fact, co-accused Seema was living with her husband, the victim, in Haryana and the applicant had no nexus with them. Till date neither any incriminating article has been recovered nor the victim has been recovered. It is next contended that no specific role has been assigned to the applicant. The applicant has no criminal history, he is in jail since 17.05.2022, in case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has vehemently opposed the prayer for bail and submitted that the independent witnesses namely Badshah and Morpal, in their statements recorded under Section 161 Cr.P.C. have supported the prosecution version and have stated that the accused, Suresh Maurya, victim Avnesh Singh, co-accused Seema

and Mahesh Maurya were seen together by them. It is contended that the abductee has not been recovered till date and in case the accused is released on bail, there is every possibility of tempering the evidence by the applicant.

6. Having heard the learned counsel for the applicant, learned A.G.A. for the State and upon perusal of record, it transpires that the applicant is named accused. The witnesses have supported the prosecution version in their statements. Till date the abductee has not been recovered.

7. Thus, having regard to the aforesaid overall facts and circumstances of this case and also keeping in view the arguments advanced on behalf of the parties, nature and manner of commission of offence and evidence regarding the complicity of applicant, no case for bail, at this stage, is made out.

8. Accordingly, the bail application is **rejected**.

Order Date :- 17.10.2023

S.Verma