

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41749 of 2023

Applicant :- Shreshth Saini

Opposite Party :- State of U.P.

Counsel for Applicant :- Shweta Pandey, Amod Pandey

Counsel for Opposite Party :- G.A., Krishna Gopal, Rajrshi Gupta, Rizwan Ahamad

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Amod Pandey, learned counsel for the applicant, Sri Krishna Gopal and Rajrshi Gupta for the informant as well as Sri Mithilesh Kumar, learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant, **Shreshth Saini**, on bail in Case Crime No. 205 of 2023, under Section 307 I.P.C. & 3/25 of Arms Act, Police Station Fareedpur, District- Bareilly, during the pendency of the trial.

3. Learned counsel for the applicant submitted that the applicant is innocent has been falsely implicated in this case. As per the F.I.R. the applicant shot at injured, Abhishek Agrawal, and the bullet hit him on his face, however, as per the injury report it is established that the injury was the result of burn by gunpowder. The incident is alleged to have taken place in the office/premises of the institution where C.C.T.V. cameras are installed, however, there is no evidence/footage regarding the same. As a matter of fact, on the date of incident, the students gathered at the campus and were agitating against the injured and out of that mob, who shot fire is not ascertained. The recovery of the fire arm is false and planted. It is next contended that the injury received by the injured is not fatal for life. It is lastly contended that the applicant is a student of VIth Semester of B.Pharm, there is no chance of absconding or tampering with the evidence, in case he is enlarged on bail, he will not misuse the liberty. The applicant is in jail since 28.04.2023.

4. Learned counsel for the informant and learned A.G.A. have vehemently opposed the prayer for bail and contended that it is a case of direct evidence, the accused entered the chamber of

injured, Abhishek Agrawal, Chairman Lotus Institute of Management, Bareilly and shot at him by a country made pistol of 315 bore. The accused-student shot at the right chick of the injured from a close range. Tattooing was found around the wound. The alleged country made pistol has been recovered from him. The accused is an undisciplined person against whom disciplinary action was taken by the inured. If he is released on bail, he may kill the injured. He was recognized by the injured and the guard Vinay Mishra. The medical and ocular evidence fully corroborate the prosecution version.

5. 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.

6. Accordingly, the instant application for bail is **rejected**.

7. However, it is directed that the trial Court shall endeavour to decide the trial within a period of nine months from today in view of the provision of Section 309 Cr.P.C.

Order Date :- 1.11.2023

S.Verma