

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42479 of 2023

Applicant :- Dhananjay

Opposite Party :- State of U.P.

Counsel for Applicant :- Moti Lal Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard R.P.Pandey, learned Advocate, holding brief of Sri Moti Lal Chauhan, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.13 of 2022, under Section 302 IPC, Police Station G.R.P.Azamgarh, District Azamgarh during pendency of the trial.
3. FIR of the present case was lodged against the applicant and according to the FIR, on 1.12.2022 at about 5.00 PM in the evening on Railway platform applicant committed the murder of the cousin sister of the informant by inflicting knife injury on her neck.
4. Learned counsel for the applicant submits that entire allegation against the applicant is totally false and baseless and as applicant and deceased were having love affair, therefore, after the murder of the deceased applicant has been made accused in the present matter and actually it is a case in which family members of deceased eliminated her as deceased also loved applicant but her family members objected the relationship of deceased and applicant.
5. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since

11.12.2022.

6. Per contra, learned AGA opposed the prayer for bail and submits that even if applicant was having love affair with the deceased then he was not having licence to commit her murder and he committed her murder in a public place on Railway Platform in the presence of number of eye witnesses including informant and the post mortem report of the deceased also corroborates the version of the FIR and, therefore, applicant should not be released on bail.

7. I have heard learned counsel for the parties and perused the record of the case.

8. Considering the fact that there is eye witness account and according to the eye witness applicant inflicted knife injury to the deceased in a public place on Railway Platform, in my view, applicant is not entitled to be released on bail.

9. Accordingly, the instant bail application is **rejected**.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 16.10.2023

SKM