

Court No. - 85

Case :- CRIMINAL APPEAL No. - 10064 of 2023

Appellant :- Ganeshanand

Respondent :- State of U.P. and Another

Counsel for Appellant :- Satyam Chaurasiya, Amrita Singh

Counsel for Respondent :- G.A., Satyam Narayan

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellant, Sri Satyam Narayan, learned counsel for the informant/opposite party no.2, learned Additional Government Advocate for the State of U.P. and perused the record.

This criminal appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant with the prayer to set aside the bail rejection order dated 16.08.2023 passed by learned Additional Session Judge/ Special Judge SC/ST (P. A.) Act, Meerut in Bail Application No. 5983 of 2023, arising out of Case Crime No. 304 of 2023, under Sections 302, 201 I.P.C. & Sections 3 (2) 5 of S.C./S.T. Act, Police Station Sardhana,, District Meerut.

As per the prosecution version, the husband of the informant namely Gopi Chand, who was posted as Head Constable with Delhi Police, on 26.03.2023 at around 4.30 pm, he left the house and had gone somewhere on his motorcycle but he did not return back. A missing report was registered at the police station concerned on 30.03.2023. When search was made, she came to know that appellant had committed murder of her husband for greed of money. Her husband frequently used to visit the Ashram of appellant. On 26.03.2023 Chandrapal and Vipin had seen her

husband travelling on a motorcycle with the appellant. Appellant had usurped Rs. 1,90,000/- from her husband in the name of '*Tantra Mantra*'. Her husband was having Rs. 1,50,000/- in cash with him when he left the house. The motorcycle of her husband was found near the bank of Ganga in Hastinapur.

It is submitted by the learned counsel for the appellant that appellant is innocent and he has been falsely implicated in the present case. It is further submitted that first information of this case has been lodged after a delay of one month and no explanation has been given in this regard. It is further submitted that there is no eye witness of incident. The statement given by the informant is based on hearsay evidence which indicates the false implication of appellant in the present case. It is further submitted that alleged motorcycle of the deceased was recovered on 12.04.2023. Thereafter, Chandra Pal and Vipin informed the informant that they had seen the appellant alongwith deceased on 26.03.2023. Both the witnesses are residents of village situated around 40 K.M. away from the village of informant. The case of the prosecution rests upon circumstantial evidence and chain of event is not connected with each other which indicates that appellant is not involved in the crime. The appellant is languishing in jail since 27.04.2023 having no criminal history and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the early disposal of the case.

Per contra, learned A.G.A. assisted by learned counsel for the informant vehemently opposed the prayer for bail contending that there is no reason to implicate the appellant falsely in the present case, appellant is named in the F.I.R., independent witnesses Chandrapal and Vipin had seen the deceased lastly on 26.03.2023.

Specific motive has been assigned to the appellant that he usurp Rs. 1,90,000/- from the deceased. It is also submitted that dead body of deceased is not yet recovered. The weapon used in the crime '*Dao*' and the parts of the motorcycle of the deceased were recovered on the pointing out of the appellant. It is submitted that blood stained '*Kurta*' which the appellant was wearing at the the time of incident has also been recovered from his possession. Hence, the appeal is liable to be dismissed.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment,, I do not find it fit case for bail.

Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

Accordingly, the criminal appeal is **dismissed**.

Order Date :- 8.11.2023
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