

Neutral Citation No. - 2023:AHC:235815

Reserved On:- 08.12.2023

Delivered On:- 13.12.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42773 of 2023

Applicant :- Gaya Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyam Pandey

Counsel for Opposite Party :- G.A., Abhishek Gupta, Syed Mohammad
Abbas Abdy

Hon'ble Siddharth, J.

1. Heard Sri Satyam Pandey, learned counsel for the applicant, Sri S.M.A. Abdy, learned counsel for the informant and the learned A.G.A for the State.
2. The instant bail application has been filed on behalf of the applicant, Gaya Prasad, with a prayer to release him on bail in Case Crime No. 98 of 2023, under Sections- 302, 34 IPC, Police Station- Najirabad, District- Kanpur Nagar.
3. Bail application of co-accused, Abhay Gupta @ Nitin, has been rejected by following order of date of this Court :-

“ Heard Sri Sudhakar Shukla, learned counsel for the applicant, Sri S.M.A. Abdy, learned counsel for the informant and the learned AGA for the State.

The instant bail application has been filed on behalf of the applicant, Abhay Gupta @ Nitin, with a prayer to release him on bail in Case Crime No. 98 of 2023, under Sections- 302, 386, 504, 506 read with Section 34 IPC, Police Station- Najirabad, District- Kanpur Nagar.

There are allegations in the FIR that the mother and brother of the informant sell fruits and fresh juice on a thela. Named accused, Manoj, was demanding extortion money (hafta) for permitting them to stall their (thela) on the place where they were stalling the same. The mother of the informant admonishes him and ask him to go back otherwise she will call the police and get him arrested. On 08.06.2023 at about 10:15 hours when the mother and brother of the informant were going back with their "thela" and also the applicant was with them. Named accused, Manoj Kumar, came with his car has suddenly stopped his car before their thela. Thereafter he went ahead and after turning his car came back in speed and before the informant, he crushed his mother from his car and dragged her for 50 meters. She taken to the hospital where she dead.

Counsel for applicant submits that the applicant has been falsely implicated in this case. He was not named in the FIR nor has any concern with the deceased and the informant. The vehicle was attached with a travel agency and named accused may have taken from the agency. The applicant had no motive for committing the alleged offence. The applicant is in jail since 11.06.2023 and has no criminal history to his credit.

Learned counsel informant has pointed out that the vehicle which was involved in the alleged incident belonged to the applicant and its registration was found to be in his name. From C.C.T.V footage, the presence of car was found. It is place of incident and no blood was found in the diggi of car. Forensic Field Unit will not found human blood on the car. The accused persons are trying to pressurize the informant to withdraw the case and a complaint has been made at police station on 11.07.2023 and also of the Joint Commissioner of Police, Kanpur Nagar on 26.10.2023. The photographs of incident duly supported by the certificate of expert.

Learned A.G.A has vehemently opposed the bail application of the applicant.

After hearing the rival contentions, this Court finds that it is not a fit case for grant of bail to the applicant at this stage.

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

The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order. ”

4. The role of applicant has been found to be of doing ‘reki’ of the place of incident on motorcycle. His motorcycle was seen in the C.C.T.V footage and he has been implicated in this case with the help of Section 34 IPC.

5. It has been pointed out by counsel for the informant and learned A.G.A that aforesaid motorcycle of applicant was found in **diserted** condition. After the incident he has admitted involvement in the alleged offence. There is no explanation how the motorcycle of the applicant was found deserted.

6. After hearing the rival contentions, this Court finds that it is not a fit case for grant of bail to the applicant at this stage.

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

8. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.

Order Date :- 13.12.2023

Rohit