

Neutral Citation No. - 2023:AHC:214540

Reserved On:- 06.11.2023

Delivered On:- 08.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43991 of 2023

Applicant :- Chandrapal

Opposite Party :- State of U.P.

Counsel for Applicant :- Manish Joshi

Counsel for Opposite Party :- G.A.,Pawan Kumar Shukla,Pawan Kuamar Shukla

Hon'ble Siddharth, J.

1. Heard Sri Manish Joshi, learned counsel for the applicant, Sri Pawan Kumar Shukla, learned counsel for the first informant and learned A.G.A. for the State and perused the material on record.
2. The instant bail application has been filed on behalf of the applicant, Chandrapal, with a prayer to release him on bail in Case Crime No. 149 of 2023, under Sections- 302, 120-B IPC, Police Station – Chhajlait, District- Moradabad.
3. There is allegation against unnamed accused in the FIR that *mama* of the informant was residing with him for last 15 days and on 04.08.2023 at about 06:00 p.m he received information that some unknown accused have caused gun shot injury on his head and he died. Hence, FIR was lodged.
4. Learned counsel for the applicant submits that no one has seen the incident. There is extra-judicial confession of the applicant recorded which cannot be read against him.

5. Learned counsel for the informant submits that the main motive of commission of crime has been assigned to applicant, Chandrapal, regarding the property of deceased and in his statement the names of the other co-accused have surfaced as the persons who were paid money for eliminating the deceased. There is confessional statement of applicant also recorded before the police wherein he was admitted that he was paid money and provided weapon for committing the alleged offence to co-accused. The applicant is in jail since 14.08.2023

6. From the perusal of the material on record, it appears that the applicant has been assigned the main role of hatching conspiracy for murder of deceased due to the greed of property. He is the main accused and was having motive for commission of alleged offence.

7. After hearing the rival contentions, this Court does not find any ground for granting bail to the applicant at this stage.

8. The bail application is accordingly, rejected.

9. 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 :- 08.11.2023

Rohit