

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47018 of 2023

Applicant :- Ramesh Singh And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicants have prayed to be enlarged on bail in Case Crime No.34 of 2000 at Police Station-Kakvan, District-Kanpur Nagar under Sections 302, 364, 201 IPC. The applicants are in jail since 30.08.2023.

The bail application of the applicants was rejected by the learned trial court on 25.09.2023.

The following arguments made by Shri Arun Kumar Singh, learned counsel on behalf of the applicants, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicants for grant of bail:

1. The deceased disappeared at his house on 13.04.2000.
2. No missing report was got registered by the family of the deceased.
3. The body of the deceased was recovered from the open field (which was part of the agricultural holding of the deceased) on 18.04.2000.

4. One son of the deceased had informed the police about the death of the deceased. However, subsequently during the course of the day, the other son of the deceased nominated the applicants at the instigation of the some interested parties and after due deliberations.
5. The final report was filed in favour of the applicants.
6. The applicants have been summoned after the protest petition of the informant was allowed.
7. There is no direct evidence against the applicants.
8. At best, this is a case of circumstantial evidence and the chain of incriminating material against the applicants is not complete.
9. No incriminating material has been recovered from the applicants.
10. The applicants do not have any criminal history apart from this case.
11. The applicants are not flight risk. The applicants being law abiding citizens have always cooperated with the investigation and undertake to cooperate with the court proceedings. There is no possibility of their influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicants-Ramesh Singh and Ajeet Singh be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicants will not tamper with the evidence or influence any witness during the trial.

(ii) The applicants will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 3.11.2023

Ashish Tripathi