

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45637 of 2023

Applicant :- Yogendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradyumna Kumar Yadav

Counsel for Opposite Party :- G.A., Abbas Khan

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Pradyumna Kumar Yadav, learned counsel for the applicant, Sri Abbas Khan, learned counsel for the first informant, Sri Birendra Pratap Singh, learned A.G.A. for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant Yogendra Singh, seeking enlargement on bail during trial in connection with Case Crime No. 98 of 2023, under Sections 302, 201 IPC, registered at P.S. Mursan, District Hathras.
4. The F.I.R. of the matter was lodged on 31.5.2023 by Rajveer Singh against the applicant alleging therein that his sister Srimati @ Rekha Devi aged about 38 years, was married to the applicant around 20 years back. On 31.5.2023 at about 04.30 a.m. his niece Kajal told his younger brother Shishupal on phone that father and mother were watching TV in the room and she with all brothers and sisters were sleeping outside after which in the room his father murdered her mother with knife.
5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that the applicant is husband of the deceased and he has no motive to commit the aforesaid offence. It is argued that marriage of the applicant with the deceased was solemnized around 20 years back and there is no reason for the applicant to murder his wife. It is further argued that there is no eye witness to the murder. It is argued that Kumari Kajal the daughter of the deceased and the applicant has given an affidavit dated 17.08.2023 denying all the allegations against the applicant. The applicant is having no criminal history as stated in para-24 and is in jail since 12.6.2023.
6. Per contra, learned AGA and learned counsel for the first informant opposed the prayer for bail and argued that the applicant is husband of the deceased. He was present with the deceased in the room where she was murdered. The deceased was found to have received two lacerated wounds, five stab wounds and one multiple abrasion on her person and cause of death was opined as shock and haemorrhage as a result of ante mortem injuries. It is argued that from the pointing out of the a knife has been recovered. It is argued that Kumari Kajal has supported the prosecution case during investigation. It is further argued that the applicant has not come with any reason as to how his wife has died while he was present in the room and therefore, the bail application of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant and the deceased were present inside the room. The deceased was found to have received two lacerated wounds, five stab wounds and one multiple abrasion on her person and cause of death was opined as shock and haemorrhage as a result of ante mortem injuries. There is recovery of alleged weapon of assault on the pointing out of the applicant. The applicant has not come with any reason as to how his wife has died while he was present in the room.

8. Looking into the facts and circumstances of the case as well as nature and gravity of the offence, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, rejected.

(Samit Gopal,J.)

Order Date :- 9.11.2023

Naresh