

Neutral Citation No. - 2023:AHC:235586

Reserved On:- 08.12.2023

Delivered On:- 12.12.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51786 of 2023

Applicant :- Abhay Gupta @ Nitin

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhakar Shukla

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

Hon'ble Siddharth, J.

1. 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.
2. 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.
3. 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 admonished him and asked 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 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 was taken to the hospital where she dead. The car involved in the offence was of the applicant.

4. 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. His vehicle was attached with a travel agency and named accused may have taken it from the agency. The applicant had no motive for committing the alleged offence. He is in jail since 11.06.2023 and has no criminal history to his credit.

5. 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 involvement of car in the alleged incident was found. Number plate of car was found in the diggi of car. Forensic Field Unit 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 to the Joint Commissioner of Police, Kanpur Nagar on 26.10.2023. The photographs of incident duly supported by the certificate of expert.

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

7. 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. There is ample evidence against the applicant showing his involvement in the alleged incident.

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 :- 12.12.2023

Rohit