

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1315 of 2021

Applicant :- Sajan Dubey @ Ramesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sachin Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Shri Sachin Srivastava, learned counsel for the applicant as well as learned AGA for the State.
3. This bail application has been moved by the accused/applicant- **Sajan Dubey @ Ramesh Kumar** for grant of bail, in Case Crime No. 144/2020, under 302, 201 IPC, Police Station Ikauna, District Shrawasti, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication and he has not committed any offence as claimed by the prosecution. The involvement of the applicant in this case is only on the basis of circumstantial evidence.
5. It is further submitted that circumstantial evidence alleged against the applicant are very weak and from the said circumstances no inference could be drawn that the offence has been committed by the applicant. Many star witnesses of this case have turned hostile during the course of trial and there is no likelihood of conviction.
7. It is also submitted that applicant was not having any relation with the deceased and the involvement of the applicant in this case has been made without there being any evidence or material. Applicant is in jail in this case since 31.5.2020 and he is not having any criminal history. Eight prosecution witnesses have been testified before the trial court and no concrete evidence has surfaced against the applicant, yet.
8. Learned AGA on the other hand submits that having regard to the evidence collected by the Investigating Officer which is in the shape of circumstances only inference could be drawn,

therefore the applicant is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is reflected that the FIR of the instant case has been lodged by one Mahraj Prakash Tiwari on 25.5.2020 pertaining to the fact that on 25.5.2020 he had seen the dead body of a lady aged about 22 years and of a child and it was talk of the town that these two persons have been done to death. The postmortem report of the lady and the child would reveal that a contused swelling on the head and ligature mark around the neck of the child was found and his death has been ascertained due to 'coma' as a result of ante-mortem injury, while the postmortem report of the unknown lady aged about 22 years would reveal that she had also sustained contusion on her chin and ligature mark in part of her neck and her death has been caused due to 'asphyxia' as a result of ante-mortem strangulation. The dead bodies particularly of the lady was identified by one Nand Kishor Yadav who has seen the dead body on social media and identified her as 'Kajal' to whom she had met some time ago with one Sanjay. It is also informed that on telephonic talk with Kajal she has informed him that she had come with the applicant. The Investigating Officer has recorded the statements of Smt. Rajpati, Madhuri Devi, Surya Kant Mishra and Saroja who claimed to have seen the applicant concealing his motorcycle bearing Registration No. U.P. 47 R-7625. The statement of the father of the applicant, namely, Krishna Bhawan Dubey was also recorded wherein he had stated that the applicant had come to the house on the happening of the nation wide Lock-down with the deceased and her child and he had taken the lady and child with him on 25.5.2020 in the morning and had returned alone and thereafter the applicant absconded and could not be traced. There is another witness, namely, Shiv Kumar Yadav who had also seen the applicant concealing the motorcycle. The dead body has been recovered from 'Chhpar'. The case of the applicant appears to be of denial.

10. Thus having regard to above facts and circumstances and also keeping in view that 8 prosecution witnesses have been testified and the trial is at the concluding stage, I do not find any good ground to release the applicant on bail and thus the bail application moved on behalf of the applicant is **rejected** at this stage.

11. However, keeping in view the period of detention of the applicant the trial court is directed to expedite the trial and conclude the same within next six months and if the same is not concluded within the period stipulated, the applicant would be at liberty to approach this Court for the purpose of renewal of

his prayer for bail.

12. A copy of this order be immediately furnished to the trial court through Sessions Judge concerned.

Order Date :- 13.10.2023

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