

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2821 of 2022

Applicant :- Ranveer @ Rana

Opposite Party :- State Of U.P. Through Its Principal Secretary, Home

Counsel for Applicant :- Bhupendra Pratap Singh, Ashutosh Kumar, Raj Kumar Pandey

Counsel for Opposite Party :- G.A., Ritu Verma

Hon'ble Brij Raj Singh, J.

1. Heard Sri Raj Kumar Pandey, learned counsel for the applicant and Sri G.D. Bhutt learned A.G.A.-I for the State.
2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.301 of 2021 under sections 394, 411, 34, 304 IPC, Police Station Gosaiganj District Lucknow.
3. It has been submitted by learned counsel for the applicant that FIR has been lodged by truck owner Satish Kumar Tripathi in which he has mentioned that deceased was driver of his truck and two persons had looted Rs.48,000/- by assaulting him with iron rod. It has been submitted by learned counsel for the applicant that the applicant is not named in the FIR and his name was surfaced in the confessional statement of Vijay Chauhan, who confessed that he, applicant and co-accused Dev Narain had assaulted the deceased by iron rod and looted Rs.48,000/-. Learned counsel for the applicant has submitted that confessional statement has no evidentiary value under section 25 of the Evidence Act.
4. It has been submitted by learned counsel for the applicant that the statement of son of the deceased, namely, Paramveer Yadav (P.W.-2) has been recorded and he deposed before the court that prior to death, his father had told that he was assaulted by co-accused Vijay Chauhan and Dev Narain and has specifically stated that applicant did not do anything wrong and he was not involved in the commission of crime.
5. Learned counsel for the applicant has submitted that

the iron rod was not sent for FSL which is admitted in the statement of Investigating Officer (P.W.-3). He has further submitted that the Investigating Officer has also deposed before the court that the call details of the applicant is not matching with any other mobile and the applicant has been falsely implicated.

6. On the other hand, Sri G.D. Bhutt, learned Additional Government Advocate has opposed the prayer for bail and has submitted that other witnesses i.e. Investigating Officer (P.W.-3) and the Constable Sri Mahendra Pratap Singh have stated that prior to death, deceased had named the applicant and they mentioned that the applicant and other two co-accused assaulted the deceased and they looted Rs.48000/-.

7. Sri G. D. Bhutt has submitted that the Investigating Officer (P.W.-3) has also named the applicant before the trial court and he has reiterated his version before the court.

8. Learned A.G.A. has submitted that Mahendra Pratap Singh Constable had brought the injured to the hospital and has stated that the applicant and other co-accused, namely, Vijay Chauhan and Dev Narain had assaulted the deceased with iron rod. He has also submitted that there is no reason as to why these two police officials will falsely implicate the applicant. He has further submitted that the statement of Paramveer Yadav (P.W.-2) at the moment cannot be relied upon. The statement of two police officials are corroborating with the statement of Vijai Chauhan.

9. Sri Ankit Pandey, holding brief of Ms. Ritu Verma has adopted the arguments as advanced by Sri G.D. Bhutt, learned Additional Government Advocate.

10 After hearing learned counsel for the parties and looking into overall facts and circumstances of the case as well as the argument that the trial is still going on and the statement of Investigating Officer (P.W.-3) indicates that he has named the applicant mentioning therein that prior to death, deceased had stated that the applicant and other two co-accused Vijay Chauhan and Dev Narain had assaulted the deceased and the argument that statement of Sri Mahendra Pratap Singh, Constable and the statement of co-accused, namely, Vijay Chauhan and Dev Narain are corroborating, therefore, therefore, I am of the opinion that the applicant is not entitled to be released on

bail.

11. Accordingly, the bail application of the applicant-Ranveer @ Rana is **rejected** at this stage. It is made clear that any observation made hereinabove shall not affect the trial proceedings.

Order Date :- 13.12.2023

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