

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7069 of 2022

Applicant :- Pradeep Kumar Verma

Opposite Party :- State Of U.P. Thru. Home Secy. Lko.

Counsel for Applicant :- Shailendra Kumar Mishra, Arun Pratap Verma, Mulayam Singh Yadav

Counsel for Opposite Party :- G.A., Mahesh Kumar

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
2. This bail application has been moved by the accused/applicant- **Pradeep Kumar Verma** for grant of bail, in Case Crime No.302 of 2021, under Sections 302, 201, 120-B I.P.C., Police Station Masauli, District Barabanki, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.
4. It is further submitted that the applicant was not named in the F.I.R. and his complicity has surfaced in the confessional statement of co-accused persons namely Sushil Kumar Verma and Raj Kumar Verma. Apart from the confessional statement of the co-accused persons, there is no iota of evidence, which may connect the applicant with the crime. Elaborating further, it is submitted that facts as has been investigated by the investigating officer appears to be that the daughter of the applicant namely Ananya Verma was given in adoption to the co-accused Sushil Kumar Verma, however, the wife of the applicant was insisting that the daughter Ananya Verma given in adoption be brought back and as the applicant was having illicit relations with the wife of his brother-in-law (sala) and she was also pregnant by him, thus co-accused Sushil Kumar Verma and applicant hatched a conspiracy to eliminate the husband of Arti namely Rajesh Kumar Verma so that the child, which may be borne to Arti (wife of Rajesh Kumar Verma), be given to the co-accused Sushil Kumar Verma after return of Ananya Verma to Pradeep Kumar Verma (applicant).
5. It is vehemently submitted that the motive, which has been

assigned for commission of the murder, may not be believed by any prudent person. It is also submitted that even if the story as cooked up by the prosecution witnesses is taken on its face, the role of assault on the deceased has been attributed to the co-accused Sushil Kumar Verma and he was also stated to be present, where the deceased was doing labour and also seen in the CCTV footage accompanying him while there is no evidence of any kind against the applicant except the confessional statement of the co-accused persons and on the basis of such confessional statement obtained while the co-accused persons are in custody, the applicant may not be convicted.

6. It is next submitted that applicant is in jail in this case since 27.12.2021 and still no prosecution witness has been testified before the trial court and he is not having any criminal history, charge-sheet in this case has already been submitted and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

7. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and having regard to the material/evidence available against the applicant, he is not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicant.

8. Having heard learned counsel for the parties and having perused the record, it is evident that the case of the prosecution is to the tune that the dead body of the deceased Rajesh Kumar Verma was found at lonely place and the incident was attempted to be projected like a road traffic accident. However, postmortem report of the deceased would reveal that the deceased had sustained many injuries and the cause of death has been ascertained due to coma as a result of ante mortem head injury. During the course of investigation, two accused persons namely Sushil Kumar Verma and Raj Kumar Verma are stated to have been arrested and confessed their guilt, wherein it is surfaced that the deceased has been done to death as the applicant and another co-accused person wanted to take his child as wife of the deceased was pregnant by applicant. Motive of crime is also stated to be that earlier daughter of the applicant was given in adoption to Sushil Kumar Verma and now the wife of the applicant was insisting her return and it was conspired that after return of Ananya Verma to the applicant, the child, which would be born to Arti (wife of the deceased) would be taken and given to Sushil Kumar Verma. It has been vehemently submitted on behalf of the applicant that the motive, which has

been assigned to the applicant and co-accused persons is very weak and could not be believed. No recovery of any kind has been affected either from the possession or on the pointing of the applicant. Not a single prosecution witness has been testified before the trial court so far. Charge-sheet in this case has already been filed. Applicant is in jail in this case since 27.12.2021 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

9. Having regard to the overall facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

10. Let the accused/applicant- **Pradeep Kumar Verma** involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

13. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

Order Date :- 12.10.2023

Anupam S/-