

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7036 of 2023

Applicant :- Gujnu @ Sangeet

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

Counsel for Applicant :- Dharmendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the accused-applicant and Sri Ashwini Kumar Singh, learned A.G.A. for the State.
2. This is second bail application which has been filed seeking bail in FIR No.250 of 2021 under Sections 363, 302, 201 IPC, Police Station Itaunja, District Lucknow.
3. First bail application has been rejected by this Court vide order dated 12.12.2022 passed in Bail No.9463 of 2022 by following order:-

"1. Heard learned counsel for the applicant as well as Sri Rao Narendra Singh, learned A.G.A. and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.250 of 2021, under Sections 363, 302 and 201 IPC, Police Station Itaunja, District Lucknow.

3. Accused-applicant is 27 years of age, whereas the deceased was 11 years of age. Accused-applicant is cousin of the deceased. It is alleged that on 22.9.2021 at around 7.30 PM, the accused-applicant took away the deceased. Two days thereafter, his dead body was recovered from a canal.

4. Post-mortem report would suggest the following ante-mortem injuries on the body of the deceased:-

"1. Contusion 8 x 7 cm on top of head.

2. Contusion 7 x 6 cm on head at occipital region.

3. Multiple contusions in area of localar part of face and chin size varying from 1 x 1 cm to 2 cm x 1 cm.

4. Contusion 12 x 8 cm in front of neck, 3.0 cm above the steeper sternal notch."

5. Cause of death is due to ante-mortem throttling.

6. Besides the evidence of last seen, there is a confessional statement of the accused-applicant given to the police.

7. Looking at the facts and circumstances of the case and gravity of offence, this Court does not find any ground to enlarge the accused-applicant on bail

at this stage.

8. Bail application is accordingly rejected.

9. The trial court is directed to proceed with the trial proceedings and record the evidence of the witnesses of fact expeditiously, preferably, within a period of four months.

10. After the witnesses of fact get examined, the accused-applicant may revive his bail plea by filing a fresh bail application.

11. Let a copy of this order be forwarded to the concerned trial court for necessary compliance."

4. I do not find any change circumstance to enlarge the accused-applicant on bail at this stage. This bail application is ***rejected***. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months subject to full cooperation by the accused.

(Dinesh Kumar Singh, J.)

Order Date :- 29.5.2023
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