

**Court No. - 8**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 7010 of 2023

**Applicant :-** Surendra

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Civil Sectt. U.P. Lko.

**Counsel for Applicant :-** Sanjeev Shukla

**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.69 of 2019 under Sections 302, 364, 201, 34 IPC, Police Station Makhi, District Unnao.
3. First bail application has been rejected by this Court vide order dated 29.9.2022 passed in Bail No.13881 of 2021 by following order:-

"1. Heard learned counsel for the accused-applicant as well as learned Additional Government Advocate and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.069 of 2019, under Sections 302, 364, 201 and 34 IPC lodged at Police Station Makhi, District Unnao.

3. Allegation against the accused-applicant is of killing an innocent boy, aged around 8 years; the deceased is son of neighbour of the accused-applicant; after committing murder of the boy, his body was thrown in a pond and the same was recovered after two days; postmortem report discloses following antemortem injuries:-

"1. L/W 1cm x 0.5cm bonedeeep Lt. temporal both below Lt ear with contused;

2. abrasion 2cm x 1cm Rt side of thigh just below lower joint with contused;

3. abrasion 1.5cm x 1cm left side of thigh, 1cm below lower joint;

4. abrasion 6cm x 3cm Lt face and Lt upper neck;

5. abraded contusion 2cm x 1cm Lt neck 4cm;

6. contusion 4cm x 4cm Lt over 2cm elbow;

7. contusion 7cm x 6cm Lt forearm 9cm from lowest;

8. abrasion 3cm x 2cm below Lt chest;

9. abrasion 9cm x 4cm Lt back; and

10. abrasion 9.5cm x 2.5cm Lt thigh.'

Cause of death has been found to be antemortem throttling.

4. Mr. Ashwani Kumar Singh, learned Additional Government Advocate, has submitted that the deceased was killed by the accused-applicant on his belief that if he would sacrifice a human life, the accused-applicant would discover hidden treasure; there are witness of last-seen; there is some recovery from the accused-applicant, which would connect the accused-applicant with commission of the offence.

5. Considering the heinousness of the offence, evidence available on record against the accused-applicant and societal impact, this Court does not find it to be a fit case for grant of bail. Hence, the bail plea is refused and the application is rejected. "

**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 of the accused.

**(Dinesh Kumar Singh, J.)**

**Order Date :- 29.5.2023**  
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