

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8529 of 2023

Applicant :- Pradeep Kumar Prajapati

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

Counsel for Applicant :- Rajendra Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Heard learned counsel appearing for the accused-applicant and learned A.G.A. for the State.

This is third bail application which has been filed seeking bail in FIR No.673 of 2020 under Section 304 IPC, Police Station Kotwali Nagar, Ayodhya.

First bail application has been rejected by this Court vide order dated 28.03.202 passed in Bail No.2653 of 2021 by following order:-

"1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in FIR No.673 of 2020, under Section 304 IPC, Police Station Kotwali Nagar, District Faizabad (NowAyodhya).

3. Accused-applicant is a Class-IV employee of the Juvenile Shelter Home, Ayodhya. It is alleged that the accused-applicant along with other co-accused, Mohit Rawat mercilessly assaulted the deceased with Danda, who suffered the following ante-mortem injuries:-

"1. Bluish brown contusion 02x01 cm on under surface of left side of upper lip.

2. Bluish brown contusion 02x01 cm on under surface of left side of lower lip.

3. Multiple abraded contusion bluish brown in colour on left side of cheek in area 7x3 cm.

4. Multiple reddish contusion on palmer surface of right hand involving hole of palm.

5. Bluish brown contusion on outer surface of left arm, size 6.2.5 cm and 15 cm below from tip of right shoulder.

6. Bluish brown multiple contusion in area of 15x5 cm on outer surface of left arm 8 cm below from left tip of shoulder.

7. Bluish brown contusion 2.5x2 cm on back of left wrist joint.

8. Bluish brown contusion size 5x5 cm on back of left hand.

9. Bluish brown contusion size 5x1.5 cm anterior surface of left thigh, 28 cm below left anterior superior iliac spine.

10. Contused swelling size 10x8 cm over left knee joint."

4. The deceased died while he was taken to the hospital. The District Probation Officer conducted the enquiry and found involvement of the accused-applicant in the commission of offence.

5. Sri Ashwani Kumar Singh, learned AGA has opposed the bail and submitted that it is the only accused-applicant, who had assaulted the deceased with Danda and other co-accused assaulted with fists and kicks. He further submits that looking at the injury report and the involvement of the accused-applicant, it is not a fit case where the accused-applicant may be enlarged on bail.

6. I have heard the submissions of Sri Naved Ali, learned counsel for the accused-applicant and the learned AGA and perused the record.

7. There are multiple contusions on the body of the deceased, which would have been caused by hard and blunt object. The accused-applicant has been assigned the role of causing injuries by using Danda. Therefore, this Court does not find any ground to enlarge the accused-applicant on bail at this stage.

8. Bail application is accordingly rejected."

I do not find any change circumstance to enlarge the accused-applicant on bail at this stage. This bail application is rejected.

At this stage, learned counsel appearing for the petitioner submits that witnesses of fact have been examined. Trial court is directed to conclude the trial expeditiously preferably within a period of six months.

Let a copy of this order be transmitted to the learned Trial Court for necessary compliance.

(Dinesh Kumar Singh, J.)

Order Date :- 7.7.2023
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