

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8698 of 2023

Applicant :- Pawan Kumar

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

Counsel for Applicant :- Rajendra Singh Chauhan

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 second bail application which has been filed seeking bail in FIR No.584 of 2021 under Sections 364, 302, 201 IPC, Police Station Gola, District Kheri.

First bail application has been rejected by this Court vide order dated 18.05.2022 passed in Bail No.4877 of 2022 by following order:-

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

2. The present bail application under Section 439 Cr.P.C. has been filed by the applicant seeking bail in FIR No.584 of 2021, under Sections 364, 302, 201 IPC, Police Station Gola, District Kheri.

3. The accused-applicant is prime accused in abducting and killing the deceased-Sandeep Kumar. Deceased-Sandeep was the witness in a case against the accused-applicant in Case Crime No.68 of 2017 under Section 307 IPC. The deceased was the last witness of the fact to be examined. Apprehending that the evidence of the deceased would lead conviction of the accused, they planned and had given effect to offence firstly by abducting him and then, killing him.

4. Brutality and gruesomeness of the offence is evident from the fact that the deceased was not only mercilessly killed but his organs were severed, and his one hand and one leg even could not be located.

5. Considering the heinousness of the offence, diabolic nature and the manner in which the offence was committed, and there being a motive which is clearly spelled out from the statement of the accused-applicant himself, this Court does not consider it to be a fit case for enlarging the accused-applicant on bail at this stage. This bail application is thus, rejected. "

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

(Dinesh Kumar Singh, J.)

Order Date :- 12.7.2023

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