

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11718 of 2023

Applicant :- Suraj Prakash Modanwal

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

Counsel for Applicant :- Diwakar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Heard Shri Diwakar Singh, 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- **Suraj Prakash Modanwal** for grant of bail, in Case Crime No.148 of 2022 under Sections 147, 302, 201/34 I.P.C., Police Station Haiderganj, District Ayodhya, 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 F.I.R. of this case has been lodged by the informant on 24.06.2022 at 06.13 p.m. at Police Station Haiderganj, District Ayodhya alleging therein that on 23-06-2022 at about 01:00p.m. Manoj Modanwal and Ravikant Modanwal had left their home on a motor cycle, but they did not return till evening and on 24-06-2022, it was informed through social media that they have been done to death by some unknown persons.

5. Highlighting the above facts, it is vehemently submitted that the informant of this case is not an eye-witness and the applicant is not named in the F.I.R., however, after many days of the alleged incident, the police is shown to have arrested the accused persons and in their confessional statements the accused persons have confessed their guilt to the tune that the deceased Ravikant Modanwal was in relationship with the daughter of the applicant and he has also made an obscene video of his daughter and he was threatening to post that video/photograph on social media. When it was known, daughter of the applicant was scolded by her mother, however, deceased Ravikant Modanwal remained in contact with the

daughter of the applicant and on 22.06.2022, he called wife of the applicant and also placed a proposal of marriage and on 23.06.2022, he promised to come with his mother but when the wife and daughter of the applicant went to meet him, he was found alone and thereafter it was known to the son of the applicant Sandeep Modanwal that wife of the applicant had gone to meet the deceased Ravikant Modanwal along with his sister and he called his friend Ramesh Kumar Verma and they took Manoj Modanwal behind School and assaulted him. They also called their friends Sheru and co-accused-Ram Babu and the applicant was also called along with Rohit alias Golu and they together assaulted the deceased and took them to the shop of Ramesh Verma where the condition of deceased Ravikant Modanwal deteriorated and he died. It is alleged in the confessional statements by the accused persons that when they came to know that Ravikant Modanwal had died, they also decided to eliminate Manoj Modanwal and in pursuance of the same, he was also eliminated.

6. Highlighting the confessional statements of all the accused persons, it is vehemently submitted that the story, as unfolded by the accused persons in their confessional statements, is highly contradictory and could not be believed on the touchstone of probability. Moreover, no recovery of any incriminating article has been affected from the possession or pointing of the applicant. It is vehemently submitted that apart from the confessional statements of the accused persons, there is nothing in the case diary which may even remotely connect the applicant with the crime.

7. It is next submitted that applicant is in jail in this case since 25.06.2022 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.

8. Learned A.G.A. opposes the prayer of bail of the applicant on the ground that the applicant along with other accused persons has committed a heinous offence and this case pertains to double murder, where two innocent persons have been done to death with brutality and having regard to the material/evidence available against the applicant, he is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is evident that dead bodies of two persons were found at Kasba Haiderganj, Ayodhya bypass near Saraswati Gyan Mandir and they were later on identified as Ravikant Modanwal and Manoj Modanwal. The F.I.R. was lodged by Dilip Kumar Modanwal in this regard stating that on

23.06.2022 at about 01:00pm, both the deceased persons had gone on a motorcycle, but did not return till evening and also did not attend their phone call and on 24.06.2022, they came to know that they have been done to death by some unknown persons and their dead bodies were found near Saraswati Gyan Mandir. C.D.R. of the mobile phones of the deceased persons was collected on the basis of which it was found that calls were made on a particular phone number, which was found of one Meera Modanwal, wife of the instant applicant, who on interrogation confessed to the tune that one of the deceased namely Ravikant Modanwal was talking to her daughter Priya @ Jyoti Modanwal and have also made an obscene video of her and also clicked some photographs, which he was posting at social platform and when this was known to them, her son Sandeep had scolded her and has also deleted the mobile number of Ravikant Modanwal from the mobile phone of Priya @ Jyoti Modanwal, however, Ravikant Modanwal continued to remain in touch with Priya @ Jyoti Modanwal. On 22.06.2022 Ravikant Modanwal had made a call on her phone number and proposed to marry Priya @ Jyoti Modanwal on which they agreed to meet with the condition that Ravikant Modanwal would bring her mother, however, on 23.06.2022, when Meera Modanwal had gone to the lane situated at railway crossing of Goshainganj, Ravikant Modanwal came there alone on which she asked as to why he had not brought his mother, he informed that she had come with his friend Manoj Modanwal. In the meantime her son Sandeep had come home to take lunch and got information of their meeting and he called Ramesh Kumar Verma and they met with Ravikant Modanwal and his friend Manoj Modanwal and they took both Ravikant Modanwal and his friend Manoj Modanwal behind Indrabali School and assaulted them. Sandeep also called his friend Sheru, thereafter Ramesh Kumar Verma and Sheru had taken Ravikant Modanwal behind Indrabali School, in the meantime, Sandeep had also called his maternal uncle Ram Babu and Rohit and they assaulted Ravikant Modanwal and from there they went to the shop of Ramesh, where the condition of Ravikant Modanwal deteriorated and when it was felt that he had died, they were taken to the marriage hall of Ved Prakash Pathak, where three labours namely Dilip, Chhotu and Manish were present and when they inferred that Ravikant Modanwal had died, they had assaulted Manoj Modanwal also in order to screen the offence.

10. All the accused persons have confessed their guilt while they were in the custody of police. The motorcycle of Ravikant Modanwal and a bag of red colour was also recovered from the tent house of the applicant. It is also revealed that dead bodies

of both the deceased persons were disposed of by placing them in a Pickup vehicle bearing registration No.UP45C0212 with the help of Chhotu, Manish and Dilip as well as Sheru and the same was also recovered during the course of investigation. The statement of one Surya Prakash Pathak was also recorded, who has corroborated the incident and has stated that from the Vinayak Marriage Hall owned by accused Sandeep Modanwal, bloodstained 'gadda' of foam was also recovered, where the deceased persons were kept and assaulted.

11. The statement of Priya @ Jyoti Modanwal, with whom one of the deceased Ravikant Modanwal was having affair, was also recorded by the investigating officer, who has corroborated the incident to the extent that the deceased persons were taken by his brother Sandeep Modanwal and other accused persons. The offence appears to have been committed in a coldblooded manner, so much so an innocent person Manoj Modanwal with whom the accused persons were not having any enmity at all has also been done to death only for the purpose of screening the offence, which makes the matter very grave so far as the plea of bail of the applicant is concerned. The applicant was found at the place, where assault was given to the deceased persons. The case of the prosecution is based on circumstantial evidence and we are in a time, where direct evidence of the offence would be seldom available as the conspiracies to commit the offence would be hatched in isolation and the crime would be committed with absolute secrecy and thus the prosecution in this case would not be obliged to prove those facts, which the prosecution is unable to prove. The applicant was having motive and was also instrumental during the course of commission of crime. It is a case, where two innocent persons have been done to death and their bodies have been thrown at a distant place. The allegations as levelled against the applicant found corroboration from the postmortem reports of the deceased persons and motorcycle of one of the deceased has also been recovered from the tent house of the applicant. The role of the instant applicant is distinguishable from the role of co-accused person namely Manish Kumar Manjhi, who is stated to be a labour of the marriage hall and has been granted bail. Thus the applicant cannot seek any parity with him.

12. Thus having regard to all the facts and circumstances of this case and evidence available on record against the applicant, I do not find any good ground to release the applicant on bail. Thus the bail application moved on behalf of applicant - **Suraj Prakash Modanwal** is hereby **rejected**.

13. However, the trial court is directed to proceed with the trial and make all out efforts to conclude the same within six months

from production of copy of this order and if the trial is not concluded within the period stipulated hereinbefore or all witnesses of fact are not examined, whichever is earlier, the applicant may approach this Court again for renewal of his prayer of bail.

14. 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.

15. Office is directed to immediately send a copy of the instant order to the trial court concerned through the Sessions Judge concerned for strict compliance.

16. Case diary of the case be immediately returned to learned A.G.A.

Order Date :- 2.12.2023

MVS/Anupam S/-