

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14360 of 2023

Applicant :- Akhand Pratap Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, U.P. Lucknow And 2 Others

Counsel for Applicant :- Sandeep Yadav, Naved Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Naved Ali, the learned counsel for the applicant and Sri Virendra Kumar, the learned A.G.A. for the State and perused the record.
2. This is an application for seeking release of the applicant on short term bail in Case Crime no. 15 of 2021, under Sections 302, 307, 201, 212, 120-B and 34 I.P.C., registered at Police Station Vibhuti Khand, District Lucknow, to enable him to attend wedding of his niece which is scheduled to be performed on 9th December, 2023 at his native place in District Azamgarh.
3. The applicant's regular bail application has been rejected by means of an order dated 27.10.2023 passed by this court in Criminal Misc. Bail Application No. 10361 of 2023 after taking into consideration the following factors:-

"(i) The applicant is alleged to have hatched a controversy under which a witness of a murder case, in which co-accused Dhruv Singh alias Kuntu Singh was a witness, was killed through hired shooters, on a busy public road, a few days prior to the date on which his testimony was scheduled to be recorded. Another person had also suffered a gun-shot injury in the incident, in which a total of 30 rounds were fired.

(ii) The co-accused Dhruv Singh alias Kuntu Singh has given elaborate description of his relations with the applicant and the reason for and the manner in which the controversy was hatched, while both of them were in jail. The prosecution claims that

applicant's call detail records support the allegation of his being a part of the conspiracy.

(iii) In case of his conviction, the applicant may even be sentenced to death.

(iv) The applicant has a long criminal history of 40 cases, 13 of which involve the allegation of commission of the offence of murder.

(v) In all the 13 cases which have been decided till date, the prosecution could not secure his conviction, therefore, the possibility of witnesses being influenced by the applicant cannot be ruled out"

4. The short term bail application has sought to enable the applicant to attend the wedding ceremonies of his niece on the ground that his brother (father of the bride) has died.

5. A copy of the wedding invitation card attached with the affidavit indicates that it has been written on behalf of one Jagdamba Singh, who appears to be some responsible member of the family and it does not appear that there is no other person in the family of the applicant, who can take care of the responsibilities relating to performance of the wedding.

6. In view the aforesaid facts, this court is not inclined to release the applicant on short term bail to enable him to attend the wedding of his niece.

7. Accordingly, the application stands **rejected**.

(Subhash Vidyarthi,J.)

Order Date :- 6.12.2023
Preeti.