

Neutral Citation No. - 2025:AHC:84984

Reserved On:- 12.05.2025

Delivered On:- 20.05.2025

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25878 of 2024

Applicant :- Navalsingh @ Guddan

Opposite Party :- State of U.P.

Hon'ble Siddharth, J.

1. Heard Sri V. P. Srivastava, learned Senior Advocate, assisted by Sri D. M. Tripathi, learned counsel for the applicant, Sri Anil Vikram Yadav, learned counsel for the informant and the learned AGA for the State and perused the material on record.

2. The instant bail application has been filed on behalf of the applicant, Navalsingh @ Guddan, with a prayer to release him on bail in Case Crime No. 680 of 2023, under Sections- 302, 201 and 34 IPC, Police Station- Goverdhan, District- Mathura.

3. The bail application of co-accused, Chandrawati Devi, has been rejected by this court by the order of date passed in Criminal Misc. Bail Application No. 26058 of 2024 by the following order quoted hereinbelow :-

“1. Heard Sri V. P. Srivastava, learned Senior Advocate, assisted by Sri Garun Pal Singh, learned counsel for the applicant, Sri Anil Vikram Yadav, learned counsel for the informant and the learned A.G.A for the State and perused the material on record.

2. The instant bail application has been filed on behalf of the applicant, Chandrawati Devi, with a prayer to release her on bail in Case Crime No. 680 of 2023, under Sections- 302, 201 and 34 IPC, Police Station- Goverdhan, District- Mathura.

3. Counsel for the applicant submits that on 21.08.2023 one gumshudgi report was lodged by the applicant regarding the missing of her husband, Narayan Singh, from 18.08.2023 at about 03:00 a.m. On 03.12.2023 one first information report was lodged by one Sub-Inspector, Shailendra Sharma of police station- Goverdhan, District- Mathura, against the applicant and another co-accused, Naval Singh @ Guddan, alleging therein that during the investigation started in pursuance of gumshudgi report dated 21.08.2023 and on the basis of the call detail reports he found that the applicant committed the murder of her husband, Narayan Singh, with the help of co-accused, Naval Singh @ Guddan, due to extra-marital affair. On 04.12.2023 on the information of mukhbir khas the applicant was shown to be arrested along with co-accused, Naval Singh @ Guddan and after their arrest the applicant and co-accused confessed their guilt before the police and on the same day on the joint pointing of applicant and co-accused, Naval Singh @ Guddan, dead body of deceased, Narayan Singh and his clothes were shown to be recovered from the forest of village Palla, Police Station- Kama, District- Deeg (Rajasthan) after more than three months of the alleged incident. During the investigation the call detail reports of applicant bearing mobile numbers – 7302166152, 7060624104, co-accused, Naval Singh @ Guddan, mobile no. 7895322247, 8532850856 and deceased, Narayan Singh mobile no. 8439217770 were also collected by the investigating officer for which endorsement was also made in the case diary.

4. Counsel for the applicant also submits that the applicant is the wife of deceased, Narayan Singh and mother of two children presently aged about 13 years and 10 years born from the wedlock of deceased, Narayan Singh and there is no occasion to commit the present offence. In this case initially for the alleged incident of 18.08.2023 the applicant gave information to the concerned police station regarding the missing of her husband and lodged gumshudgi report dated 21.08.2023. This fact itself shows the bonafide conduct of the applicant. It is relevant to mention here that for the alleged incident of 17.08.2023 the present first information report was lodged on 03.12.2023 by the police personnels of the concerned police station just on the basis of suspicion and surmises after near about four months of the alleged incident. It is a case of circumstantial evidence and there is no direct or indirect evidence against the applicant to show her complicity in this case except the so called call detail reports which are itself doubtful and do not completed the chain of evidence. There is no independent witness of the alleged incident neither of last seen, nor of eyewitness account, who have seen the incident. It is relevant to mention here that the applicant, who is the wife of deceased, is resident of Goverdhan District Mathura at her matrimonial house and the place of incident as well as the place of recovery which were shown by the police of the concerned police station is at Police Station Kama, District Deeg (Rajasthan) which is 30 kilometres away from

Goverdhan and the applicant was neither seen in the company of deceased, nor in the company of co-accused, Naval Singh @ Guddan, in any CCTV Footage while there are several CCTV cameras fixed in the way. The post mortem report of deceased also does not supported the prosecution version and according to the post mortem report cause of death was shown as uncertain because only 16 bones of deceased were recovered by the police persons of the concerned police station. The applicant is innocent and she has been falsely implicated in the present case by her-in-laws being hand and gloves with the first informant by levelling false and frivolous allegation of extra marital affairs with co-accused, Naval Singh @ Guddan, with the intention just to grab the share of property of her husband. In this case co-accused, Narayan Singh S/o Shiv Charan @ Shibbo was already granted bail by this Hon'ble Court in Criminal Misc. Bail Application No. 12752 of 2024 vide order dated 03.05.2024.

*5. Learned Senior Counsel for the applicant has submitted that it is a case of circumstantial evidence and the parameters for considering the case of circumstantial evidence have been laid by the judgment of the Apex Court in the cases of **Subramanya vs. State of Karnataka, AIR 2022 Supreme Court 5110** and **Ramanand alias Nandlal Bharti vs. State of Uttar Pradesh, AIR 2022 Supreme Court 5273**.*

6. Counsel for the informant has vehemently opposed the bail application along with learned A.G.A. He has submitted that although it is a case of circumstantial evidence but from the material collected by the investigating officer and read with the confessional statement of the accused. There is clear evidence against the applicant of committing the offence of murder of her husband in collusion with co-accused, Naval Singh @ Guddan.

7. After hearing the rival submissions, this court finds that apart from confessional statement of accused persons, there is other evidence against the applicant. The motive of crime has been alleged to be affair of applicant with co-accused, Naval Singh @ Guddan and police has collected evidence in this regard. C.D.R location of the deceased and the applicant and co-accused, Naval Singh @ Guddan, have been found together in district- Deeg (Rajasthan) on the date and time of incident. There is no explanation of the same as why and how all of them were found together at Deeg. The skeleton of deceased stands identified by F.S.L report.

8. Under the totality of facts and circumstances of this case, this Court after hearing the learned counsels for the parties does not finds any ground for enlarging the applicant on bail at this stage.

9. *The bail application is accordingly, **rejected**.*

10. *The trial court is directed to conclude the trial against the applicant as expeditiously as possible as per Section 309 Cr.P.C. (new Section 346 B.N.S.S.).”*

4. This Court after hearing the learned counsels for the parties does not finds any ground for enlarging the applicant on bail at this stage.

5. The bail application is accordingly, **rejected**.

6. The trial court is directed to conclude the trial against the applicant as expeditiously as possible as per Section 309 Cr.P.C. (new Section 346 B.N.S.S.).

Order Date :- 20.05.2025

Rohit