

29.05.2014

Shri Anshu Gupta, Advocate for the applicant.

Shri Devendra Chowbey, Public Prosecutor, for the respondent/ State.

Heard on **I.A. No. 3825/2014**, an application for urgent hearing during summer vacation.

In view of averments made in the application, **I.A No. 3825/2014** stands allowed.

This is the first bail application filed by the applicant under Section 439 of Cr.P.C. for grant of bail.

The applicant is in jail since 29/12/2013 in connection with Crime No. 556/2013 registered at Police Station Sheopur District Sheopur (M.P.) for the offences punishable under Section 364 of IPC r/w section 11/13 of MPDVPK Act and subsequently added section 302, 201 of IPC.

As per prosecution, it is alleged that the applicant alongwith other co-accused persons kidnapped one Kannaiya and killed him.

Learned counsel for the applicant submits that the whole case is based on circumstantial evidence. The applicant is an innocent person and there is no substantial evidence against the applicant. It is further submitted that the applicant is implicated in the alleged offence only on the basis of memorandum and seizure of motorcycle and mobile phone. On these grounds, learned counsel for the applicant prays for

grant of bail.

Learned counsel for State opposed the application on the ground that on the basis of mobile call details of the applicant, motorcycle and mobile was seized from him and thereafter section 302, 201 of IPC was added due to death of deceased Kannaiya.

On due consideration of the contentions made by the learned counsel for the parties and over all facts and circumstances of the case, I am of the considered view that it is not a fit case to release the applicant on bail.

Accordingly, this first bail application deserves to be and is, therefore, dismissed.

Certified copy as per rules.

**(Sushil Kumar Palo)
Vacation Judge**

Durgekar*