

Court No. - 2

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22200 of 2019

Applicant :- Upendra @ Gabbar

Opposite Party :- State of U.P.

Counsel for Applicant :- P.K. Singh, Kunwar Ajay Singh

Counsel for Opposite Party :- G.A.

Hon'ble Suneet Kumar, J.

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

As per prosecution case, nominated persons including the applicant had stopped the car of the deceased and demanded money for liquor; on refusal the deceased and his nephew was brutally beaten; the deceased (husband of the complainant) succumbed to the injury. The postmortem report shows five injuries on the right ear, chest, shoulder, back of the shoulder and penetrating wound on left side back of the chest; cause of death is shock, as a result of antemortem injury. The injured witness Raj Kishore in his statement has assigned the role of causing assault to all the accused persons by lathi, danda, bricks etc.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the instant case; applicant claims parity with co-accused Beenu @ Pushpendra, who has been enlarged on bail by this Court; applicant having no previous criminal antecedents is languishing in jail since 24.10.2017, hence the applicant may be released on bail.

Learned A.G.A. has vehemently opposed the prayer for bail contending that case of the applicant is distinguishable from the co-accused, Beenu @ Pushpendra; it will be not in public interest to release the applicants on bail. There is reasonable apprehension of the evidence/witnesses being tampered/influenced.

Without expressing any opinion on the merits of the case and considering the submission advanced, I find no good ground for grant of bail to the applicant **Upendra @ Gabbar** involved in Case Crime No. 379 of 2017, under Sections 323, 504, 302 I.P.C., P.S. Musdanagar, District Kanpur Dehat.

Accordingly, the bail application is rejected.

However, the trial court is further directed to expedite the trial of the aforesaid case and conclude the same expeditiously from the date of production of a certified copy of this order.

The Registrar General of this Court is directed to send a copy of this order to the learned trial court for compliance.

Order Date :- 26.11.2020

S.Prakash