

**Court No. - 67**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 21612 of 2021

**Applicant :-** Sahnor @ Chhotu

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Kumar Dhananjay

**Counsel for Opposite Party :-** G.A., Syed Ali Imam

**Hon'ble Rahul Chaturvedi, J.**

Counter affidavit filed by the State through e-mode, which has filed in the registry.

Learned counsel for the applicant does not propose to file rejoinder affidavit to the counter affidavit filed by the State.

Heard Sri Kumar Dhananjay, learned counsel for the applicant, Sri Syed Ali Imam, learned counsel for the informant and learned AGA for the State. and perused the material on record.

By means of the present bail application, the applicant, who is involved in Case Crime No. 972 of 2020, under sections 147, 148, 149, 302, 506, 34 IPC, P.S.Vijaynagar, district-Ghaziabad, is seeking enlargement on bail during the trial. The applicant is in jail since 22.07.2020.

Contention raised by the counsel for the applicant is that though the applicant is named accused in the FIR but the entire prosecution case is based on the confessional statement of the other co-accused persons along with the recovery of one countrymade pistol from his possession. On this it was urged by the counsel that the applicant has got no criminal motive or mens rea to commit this offence. All other accused persons are admitted or bail by co-ordinate Bench of the Court on different accusations thus the applicant too is entitled for bail.

Per contra learned AGA vehemently opposed the bail application by making a mention that this is a gruesome cold blooded murder of a young journalist of Ghaziabad, who was

done to death right in front of his two young daughters. Though initially the FIR was registered under Section 307, 34, 506 IPC on 21.07.2020 at 0125 hours for the incident said to have been taken place on 20.07.2020 on 22.30 hours. by Aniket Joshi against the applicant and two others that the deceased was going with her two young daughters on motorcycle. All the named accused persons intercepted him and on the insistence of Ravi, the applicant and Akash given fire arm blow over the head of the journalist(deceased) who went in coma and died untimely on very next date.

Sri Dhananjay, learned counsel for the applicant submits that it is the co-accused Ravi who is the master mind of the entire episode on account that he was misbehaved with deceased's niece few days back and when objected by the deceased he has to give his life. Thus Ravi has strong motive for committing the offence..

The PMR of the deceased is from Yashoda Hospital Ghaziabad, shows a singular gun shot injury over the head of the deceased. There is entry wound of gunshot injury over left frontal scalp & active bleeding and oedema, tattooing(+), bullet partially came out via entry wound, which was isolated during aseptic dressing. Brain matter coming out of the wound.

Thus Sri Dhananjay Kumar, learned counsel for the State that in FIR Aakash and the applicant were attributed the role of actual assault upon the deceased, but fact remains that the deceased has sustained only one gun shot injury over his head.

There is no ocular testimony to this effect not the applicant was ever identified by anyone including her own daughters who were present over the site.

Learned AGA further submits that the name of the co-accused Aakash was dropped by the police during investigation, finding his presence some other place, coupled with the fact that all the

charge sheeted accused unequivocally attributed the role of firing to the present applicant. Not only this a countrymade pistol was also recovered from the pocket of the applicant. Thus, taking into account the totality of the circumstances

- a) That the applicant is named in the FIR as one of the assailant with Aakash committing the murder of the deceased.
- b) Name of Aakash was dropped from array of actual assaulters.
- c) All the arrested accused persons in no uncertain terms indicted the applicant alone in causing the murder of the journalist.
- d) Lastly weapon of assault was also recovered from the possession of pocket of the applicant alone.

All these facts cumulatively joined involvement of the applicant alone in committing the brutal murder of the deceased journalist cannot be ruled out and thus bail of the applicant stands **REJECTED**.

However, trial court is expected to gear up the trial and also make all the necessary efforts to conclude the trial unaffected by the observation made above on the priority basis, provided the applicant renders fullest support and co-operate in the trial.

**Order Date :- 4.12.2021**  
Abhishek Sri.