

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 451 of 2023

Applicant :- Shivendra @ Shankar Lal

Opposite Party :- State of U.P.

Counsel for Applicant :- Uma Dutt Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant as well as the learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Shivendra @ Shankar Lal, with a prayer to release him on bail in Case Crime No. 327 of 2021, under Section 302 IPC, Police Station New Agra, District- Agra, during pendency of trial.

There is allegation in the First Information Report that applicant and Km. Krishna were going on motor cycle where they were worked together. They fell from the motorcycle and where lying in the field. Thereafter police came and picked them up. The deceased Km. Krishna, suffered gun shot injury. Applicant did not suffered any injury but was lying on the road after falling from the motor cycle. Learned counsel for the applicant has submitted that applicant was not named in the First Information Report. In the C.C.T.V. camera footage collected by the investigating officer there is no evidence of causing firearm injury to the deceased. It is further submitted that both were travelling on the motorcycle and two motorcycle crossed them but no evidence of firing by applicant has been found on the deceased. Learned counsel for the applicant has submitted investigating officer has falsely implicated the applicant.

Learned AGA has vehemently opposed the prayer for bail of the applicant.

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

homosexual relation with the wife applicant/informant. There is one independent witness of the incident, Kuldeep, who has stated that he saw the applicant lying in field with the deceased. When he asked him what happened he replied that incident has taken place. He informed the police about the incident. Deceased was lying in pool of blood.

The bail application is accordingly rejected.

The court below is directed to conclude the trial against the applicant, as expeditiously as possible, preferably within a period of one year from the date of production of certified copy of this order.

Order Date :- 15.2.2023

Atul kr. sri.