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IA No. 20/2023 in SC 57319/2016
STATE Vs. UDAYVEER SINGH
FIR No. 1225/2015
P.S. KNK MARG
U/S 302/364/365/201/120B 34 IPC

25.11.2023

This is an application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Udayveer Singh.

Present:- Mr. Harvinder Nar, Ld. Additional PP for the State.

Reply to the bail application has already been filed and arguments were already heard from Ld. Addl. PP for the State and from Mr.J.K. Sharma, ld. Counsel for applicant/accused.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered, however, the same are not being reproduced herein for the sake of brevity.

1. In the nutshell, it was argued by ld. Counsel for the applicant/accused that the accused has been falsely implicated in the present case merely on the disclosure of other co-accused as he was a poor person and driver of the deceased. That material prosecution witnesses have already been examined. That no recovery of the car or any money had been made from him. Other co-accused is already enlarged on interim bail under the Hon'ble HPC Guidelines. That the present accused has been running in JC for the past more than 07 years and it is prayed that lenient view may be taken.

2. Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very grave and serious in nature and no ground for grant of bail is made out.

3. Briefly stated, the present FIR had been registered initially under Section 365 IPC on the missing complaint of family member of one Virender Yadav. Subsequently, his headless dead body was found at two different places near Aonla Barelli, UP. Thereafter, after due investigation, Section 302/201 IPC read with Section 120B IPC had been incorporated and the applicant/ accused Udayveer Singh, who was the driver of the deceased at the relevant time had been apprehended.

4. I have perused the record.

5. As per the CDR of the mobile phone bearing no. 7500935825 in the name of the accused Udayveer Singh, it was reflected that his location was in the area of Muradabad at the relevant time, where the murder had been allegedly committed and thereafter, in the area of Aonla Barelli, where parts of the body were thrown in the intervening night of 5/6.07.2015. The CDR of co-accused Rajender also revealed his location at Muradabad and he was present in the rented house of applicant/accused. Not only this, as per the allegations in the charge-sheet, it transpires that applicant/accused deliberately got a false advertisement published for requirement of maid in the newspaper daily Amar Ujjala and fake mobile numbers were given by him on 29.07.2015

so as to allegedly mislead the family members of deceased. There are also allegations that in order to fabricate evidence, applicant along with co-accused after committing the murder, chopped the body into parts and threw it at different places and also signed a fake slip at the petrol pump in the signatures of the deceased, which had been sent to FSL.

6. As per the report of the IO, the DNA profiling result of the various body parts confirmed to be that of Virender Yadav and the vehicle used i.e. the Tata Safari in the transportation of the body had also been recovered along with keys, RC, parking slip and the mobile phones of the accused persons used during the commission of the crime. As per the report of the IO, the accused is also involved in another FIR bearing no. 961/2011, PS Rampur, UP, U/s 498A/406 IPC. The regular bail application of the applicant/accused had been dismissed earlier by this court.

7. Seeing the totality of the facts and circumstances, the role assigned to the accused and gravity of the offence, no ground for bail is made out and application stands **dismissed**.

Accordingly, the application is disposed off.

8. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

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9. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
25.11.2023