

**Court No. - 1**

**Case :-** CRIMINAL APPEAL No. - 1574 of 2018

**Appellant :-** Rahul

**Respondent :-** State Of U.P.

**Counsel for Appellant :-** Kuldeep Kumar Sharma

**Counsel for Respondent :-** G.A., Mohammad Nadeem

**Hon'ble Ramesh Sinha,J.**

**Hon'ble Dinesh Kumar Singh-I,J.**

***Order on Crl. Misc. Bail Application No. 1A/1 of 2018.***

Heard Sri Aadesh Kumar holding brief of Sri K.K. Sharma, learned counsel for the appellant, Sri Qamrul Hasan holding brief of Sri Mohammad Nadeem, learned counsel for the complainant, Sri A.R. Chaurasia, learned A.G.A. for the State and perused the lower court record.

Learned counsel for the appellant submits that the appellant was named in the F.I.R. along with Sonu and Rajiv and during the course of investigation, the names of Sonu and Rajiv were dropped. Charge-sheet was submitted against the appellant and other accused, namely, Rahul @ Deva, Vinay Kumar and Rohit @ Romi and during the trial all of them were acquitted and only appellant has been convicted. He submits that he F.I.R. of the incident was lodged after 21 days of the incident against the appellant and two other co-accused persons. The dead body of the deceased was recovered on the same day but it could not be identified though the Pradhan and other villagers were arrived at the place where the dead body was recovered. There appears to be no cogent evidence against the appellant. The appellant has been falsely implicated in the present case. So far as criminal history of the appellant is concerned, out of 15 cases, there were four cases for the offence under section 302 I.P.C. out of which in two cases, the appellant has been acquitted and one is pending trial and the other is present case. So far as other cases are concerned, the same are old and stale. The appellant is in jail since 27.6.2017.

Learned counsel for the complainant and learned A.G.A. opposed the prayer for bail and submitted that the appellant is a man of criminal antecedent. He has taken away the deceased from his home and thereafter he did not return.

Without expressing any opinion on the merits of the case and considering the submission advanced and the criminal antecedents of the appellants in which four cases were under section 302 I.P.C. though in two cases he has been acquitted out of which in one case the witnesses have turned hostile, we find no good ground for grant of bail to the appellant Rahul convicted and sentenced in S.T. No. 32 of 2014 arising out of case crime no. 608 of 2013 under sections 364/34, 302/34, 201, 404 I.P.C., police station Baghpat, District Baghpat.

Accordingly, the bail application is ***rejected.***

The hearing of the appeal is expedited.

Office is directed to prepare the paper book and list the appeal on 9th December, 2019 before appropriate Bench for final hearing.

(Dinesh Kumar Singh-I, J.) (Ramesh Sinha, J.)

**Order Date :-** 15.4.2019

Shiraz