

Court No. - 45

Case :- CRIMINAL APPEAL No. - 1994 of 2021

Appellant :- Raghuveer Singh

Respondent :- State of U.P.

Counsel for Appellant :- Abhishek Mayank, Abhishek Srivastava, Rajesh Kumar Srivastava, Virendra Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Dr. Gautam Chowdhary, J.

Re: Criminal Misc. Suspension of Sentence/Bail Application No. 01 of 2021

1. Heard Sri Abhishek Mayank learned counsel for the appellant and Sri Vikas Goswami, learned AGA-I for the State.
2. The present bail application has been filed on behalf of the appellant **Raghuveer Singh** with a prayer to release him on bail in Sessions Trial No. 207 of 2016 (State Vs. Raghuveer Singh and two others) arising out of Case Crime No. 445 of 2015 under Section 302 I.P.C. Police Station Khandauli, District Agra and the maximum sentence awarded to him is life imprisonment.
3. Submission is, the appellant has been falsely implicated in the present case. The dying declaration which is the sole basis of conviction is doubtful. Reference is being to the fact that the deceased had suffered burn injuries in excess to 95% and she was not in a fit state to make deposition. Reference has been made to the fact that the appellant rushed with the deceased to the hospital and she died during the treatment. Learned counsel has relied upon a reported decision of Hon'ble Apex Court reported in **2024 INSC 167** in the matter of **Dattatraya Vs. The State of Maharashtra** as well as **2022 Live Law (SC) 992 Jai Karan Yadav Vs. State (NCT of Delhi)** in support of his contention. There is no hope of early hearing of the appeal in near future therefore, appellant may be enlarged on bail.

4. On the other hand, learned AGA has referred to submission that there is no material doubt to the dying declaration. The doctor has duly certified the deceased to be in fit state to make statement and the Sub-Divisional-Magistrate had recorded the statement in accordance with law. Both the prosecution witnesses have proved those facts. No doubt has come up in their cross examination. He also referred to the fact that the appellant and others escaped from the hospital when the close relatives of the deceased arrived at the hospital and therefore the appellant is not entitled for bail.

5. Having heard learned counsel for the parties and having perused the record, keeping in mind the entirety of facts and circumstances noted above, without making any observation as to merits as may affect the final outcome of the appeal, we find no good ground to enlarge the appellant on bail at this stage even though the appellant has remained confined in jail for ten years.

6. Accordingly, the bail application of appellant **Raghuveer Singh** is rejected.

Order on Appeal

7. Lower court record has been received.

8. Let paper book be prepared within two months.

9. List for hearing in due course.

Order Date :- 15.1.2025

S.Ali

(Dr. Gautam Chowdhary, J.) (S.D.Singh, J.)