

Court No. - 44

Case :- CRIMINAL APPEAL No. - 3229 of 2020

Appellant :- Devendra

Respondent :- State of U.P.

Counsel for Appellant :- Anil Kumar Shukla, Akhilesh Kumar, Noor Mohammad

Counsel for Respondent :- G.A.

AND

Case :- CRIMINAL APPEAL No. - 20 of 2021

Appellant :- Subhash

Respondent :- State of U.P.

Counsel for Appellant :- Gaurav Kakkar

Counsel for Respondent :- G.A., Akhilesh Kumar Mishra

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Umesh Chandra Sharma, J.

Order on Criminal Misc. Bail Application

Heard Sri Hemendra Pratap Singh and Sri Noor Mohammad for the appellant.

It is submitted by the Counsel that so-called eye-witness Sanjay, who has seen the accused, did not give their name when the Panchayatnama was being prepared and he is signatory of Panchayatnama. Name of both the accused figured only after preparation of Panchayatnama and this is a case of no evidence.

It is submitted by the Counsel for the accused that the accused were named in the F.I.R. immediately on the pointing out by Sanjay and he stood at the time of Panchayatnama but he did not reveal the name of the accused.

Sri Akhilesh Kumar Mishra appearing for the informant assisting the A.G.A. has submitted that the incriminating weapons were found at the behest of the accused and that is the question of evidence to be appreciated at the time of final disposal.

While going through the judgment, we do not feel that this is the matter where we should exercise our discretion. The doctor's opinion shows that there were about 5 injuries on the body of the deceased of the weapons which were found. The incriminating circumstances will also not permit us to enlarge the appellants on bail.

The bail applications are dismissed.

Order on Appeal

Office to prepare paper book.

List the matter immediately after Deepawali vacation.

Order Date :- 9.8.2023

Irshad