

**Court No. - 49**

**Criminal Misc. Application No. 08 of 2022**

In Re:

**Case :- CRIMINAL APPEAL No. - 225 of 2015**

**Appellant :-** Sujan Singh And Another

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

**Counsel for Appellant :-** Rajiv Lochan Shukla

**Counsel for Respondent :-** Govt.Advocate,A.K.Sharma

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

**Hon'ble Mayank Kumar Jain,J.**

Heard Shri Saurabh Yadav, learned Counsel for the applicant/appellant no.1-Sujan Singh, Shri A.K.Sharma, learned Counsel for the complainant, Shri Shrinaryan Mishra, learned Additional Government Advocate for the State and perused the material brought on record on the second application for bail.

The first application for bail has been rejected by means of the order dated 26.04.2017 by a Co-ordinate Bench of this Court comprising Hon'ble Tarun Agarwal, J. and Hon'ble Rajul Bhargava, J. (as they then were).

The only submission of the learned Counsel for the appellant no.1 is that appellant is languishing in jail since 19.11.2014, therefore, in view of the order passed by the Apex Court dated 25th February, 2022 passed in Criminal Appeal No. 308 of 2022 arising out of SLP (Crl.) No. 4633 of 2021 : *Saudan Singh Vs. State of U.P.*, appellant be released on bail, during pendency of this appeal.

Learned AGA and learned Counsel for the complainant, however, opposed the prayer for bail and have argued that the appellant no.1 was assigned the role of causing injury with knife and co-accused were assigned the role of causing injury with Farsa and axe. The ante-mortem injuries of the deceased reflects that the injury was caused by sharp edged weapons.

Furthermore, one of the injured, who was the mother of the deceased has categorically deposed before the trial Court that all the appellants had assaulted her and the deceased.

After considering the submissions of the learned Counsel for the parties and considering the facts that one of the injured, who was the mother of the deceased, had supported the prosecution case and had categorically deposed before the trial Court that it was the appellants who assaulted her and the deceased; the injury report of the injured and ante-mortem injuries of the deceased fully corroborates the prosecution case, we are not inclined to enlarge the appellant no.1-Sujan Singh on bail, during pendency of the appeal.

Accordingly, the second application for bail filed by appellant no.1, **Sujan Singh**, convicted and sentenced in Sessions Trial No. 01 of 2006, arising out of Case Crime No. 219 of 2005, under Sections 147, 148, 307/149, 302/149 I.P.C., Police Station Sadabad, District Hathras, is hereby **rejected**.

**The hearing of the appeal is expedited.**

Office is directed to prepare the paper book of the instant case within four months and list the appeal for final hearing before the appropriate Bench.

**(Mayank Kumar Jain, J.)      (Ramesh Sinha, J.)**

**Order Date :- 24.2.2023**

Ajit/-