

Court No. - 51

Case :- CRIMINAL APPEAL No. - 2255 of 2014

Appellant :- Ravindra Kumar

Respondent :- State Of U.P.

Counsel for Appellant :- Lav Srivastava, V.P. Srivastava

Counsel for Respondent :- Govt. Advocate, Kameshwar Singh

Hon'ble Vipin Sinha, J.

Hon'ble Mahboob Ali, J.

Order on Criminal Misc. Bail Application

Heard learned counsel for the appellant, learned counsel for the complainant and learned AGA for the State perused the record.

This is a bail application filed on behalf of the appellant, namely, Ravindra Kumar in the instant criminal appeal.

Contention of learned counsel for the appellant is that the appellant has been falsely implicated in the present case due to ulterior motive and he has not committed any such crime as alleged; there is overwriting on the column of the time of the FIR; with regard to the recovery of the riffle it has been contended that as per the ballistic expert report, the cartridges which were found from the spot are not fired from the recovered riffle; the appellant has no previous criminal history and he was on bail during trial and he has not misused/abused the liberty of bail; no reasoning has been given for the presence of PW-1 at the place of occurrence; the appeal is not likely to be heard in near future and there is every likelihood of the appeal being allowed.

However, learned AGA has opposed the prayer for bail with the contention that there is a prompt FIR and merely on the ground of some laches on the part of the Investigating Officer that will not go to the benefit of the appellant; testimony of PW-1 and PW-2 is consistent and cannot be disbelieved; appellant has been named in the FIR and specific role of firing has also been assigned to him; postmortem report also corroborates the case of the prosecution; much reliance has been placed upon the testimony of PW-4.

Without expressing any opinion on the merits of the case and also looking to the seriousness of the allegations, gravity of the offence and severity of the punishment, no case for grant of any indulgence is made out. Accordingly, the prayer for bail is hereby rejected.

Since the lower court record has been received, the hearing of

the appeal be expedited under Chapter-VIII Rule 33A of the Rules of Court.

Let the paper book be prepared within two months from today and thereafter appeal be listed for hearing before appropriate Bench.

Order Date :- 5.4.2018

Anand