

Court No. - 1

Case :- CRIMINAL APPEAL No. - 609 of 2015

Appellant :- Aneesh And Another

Respondent :- State Of U.P.

Counsel for Appellant :- R.P.S. Chauhan, Girish Vishwakarma, Saroj Kumar Dubey

Counsel for Respondent :- Govt. Advocate

Hon'ble Ramesh Sinha, J.

Hon'ble Dinesh Kumar Singh-I, J.

In Criminal Misc. Bail Application No. 57032 of 2015.

Heard Sri A. K. Mishra, learned counsel for the appellant and Sri G. P. Singh, learned A.G.A. for the State and perused the record.

It has been submitted by learned counsel for the appellant that appellant no.1, who happens to be the husband of the deceased and it is alleged that incident has taken place in the night. The deceased was having some illicit relationship with PW-2, who is the cousin brother of the appellant no.1 and it appears that he has shot dead the deceased and run away. It appears that no one has seen the actual assailant and the appellant no.1 has been falsely implicated on account of suspicion. He further submitted that the country made pistol which is said to have been recovered, the same has also not proved that it was used in the crime and he was convicted in the offence u/s 4/25 Arms Act. The appellants were on bail during trial and have not misused the liberty of bail. The trial court has misread the evidence on record and convicted the appellant. The appellant is in jail for the last three and a half years.

Learned A.G.A as well as learned counsel for the complainant on the other hand opposed the prayer for bail and submitted that the deceased was shot dead by the appellant who was her husband and she died of gun shot injury and as far as the witness account PW-1 and 2 who are real brother and cousin brother have witnessed the incident. Moreover the paper book of the case is ready as the matter has ripe for final hearing.

Without expressing any opinion on the merits of the case and considering the submissions advanced, we find that no good ground is made out for enlarging the appellants on bail.

The bail application of the appellants, namely Aneesh and Babu convicted and sentenced in S.T. No. 903/2006, arising out of Case Crime No.

268/2006, u/s 302/34 I.P.C. & Section 4/25 Arms Act, P.S. Sahaswan,
District Budaun, is accordingly, **rejected**.

Let the matter be listed before the appropriate Bench for final hearing.

List the matter in the next cause list.

(Dinesh Kumar Singh-I, J.)

(Ramesh Sinha, J.)

Order Date :- 9.10.2018

Ashok Gupta