
(2010) 05 AHC CK 0162

In the Allahabad High Court

Case No : Criminal Miscellaneous Bail Application No. 12129 of 2010

Vikrant @ Khali

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 27-05-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 404

Citation : (2011) 6 RCR(Criminal) 2594

Hon'ble Judges : Subhash Chandra Agarwal, J

Final Decision : Dismissed

Judgement

S.C. Agarwal, J.

1. This is the first bail application on behalf of the applicant Vikraant @ Khali involved in Case Crime No. 1384 of 2009, under sections 302, 404, P.S. Nai Mandi, District Muzaffarnagar.

Heard Shri Rajul Bhargava, learned Counsel for the applicant, learned AGA for the State, Sri Onkar Singh, learned Counsel for the complainant on 24.5.2010 and perused the record.

Learned Counsel for the applicant submitted that the applicant is not named in the FIR. There is no direct evidence of murder and the case rests on circumstantial evidence. It is further submitted that the chain of circumstances is not complete. Circumstances against the applicant are of last seen in the company of the deceased, extrajudicial confession before Prahlad Singh and Ranvir and recovery of Purse, Identitycard and ATM card of the deceased from the possession of the applicant. It is submitted by the learned Counsel for the applicant that the alleged extrajudicial confession alleged to have been made before the witnesses Prahlad Singh and Ranvir, who could not have any influence on the police or the witnesses, and there was no occasion to make a confession before them.

2. Learned AGA and learned Counsel for the complainant submitted that the

deceased had gone to Muzaffarnagar on 25.8.2009 at about 9 A.M., but later on informed that he would not be returning home that day. On 24th August, 2009, the dead body of Ankit Kumar was found. Just after three days, the statement of witnesses Shakti Singh and Kapil Kumar were recorded by the Investigating Officer, who stated that they had seen the deceased on 26.8.2009 at 8 P.M. in the company of the deceased Ankit going on a motorcycle. Motorcycle was being driven by Vikrant @ Khali. The deceased was sitting in the middle and coaccused Amar Singh @ Banti was sitting behind. All of them were coming from the side of Bhopa bridge. It is further contended that applicant and coaccused came to witness Prahlad Singh alongwith one Ranvir and made extrajudicial confession. The reason disclosed for committing the murder was that the deceased had developed illicit relationship with sister of Amar Singh @ Banti. It was further contended that the applicant was arrested on 7.9.2009 and Purse, Identitycard and ATM card of the deceased was recovered from the possession of the applicant. It was mentioned in the FIR that the deceased had Mobile No. 9927680520 and ATM card with him.

3. Though the applicant is not named in the FIR, the case was worked out by the police promptly. The applicant was last seen in the company of the deceased. There was motive for the crime. The applicant made extrajudicial confession before Prahlad in presence of Ranvir and Purse, ATM card and Identitycard were recovered from the possession of the applicant.

Considering all the facts and circumstances of the case, the submission made by learned Counsel for the parties, gravity of the offence and nature of the circumstantial evidence, I do not find it to be a fit case to enlarge the applicant on bail.

The application for bail is rejected.