

**Court No. - 72**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 7362 of 2021

**Applicant :-** Layak Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Aklank Kumar Jain, Raghvendra Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Sanjay Kumar Singh, J.**

Heard learned counsel for the applicant and learned Additional Government Advocate for the State and perused the material placed on record.

First bail application No. 687 of 2018 moved on behalf of the applicant has been rejected by co-ordinate Bench of this Court vide order dated 08.05.2019, which is quoted herein below:

*"Counter affidavit filed today is taken on record.*

*Heard Shri Aklank Kumar Jain, learned counsel for the applicant- Layak Singh and Sri J.K. Jaiswal, the learned A.G.A in connection with Case Crime no.59 of 2018, under sections 302 and 201 IPC, P.S. Basai Mohammadpur, District Firozabad.*

*It is submitted by learned counsel for the applicant that the applicant is not named in the FIR, a false and concocted prosecution story was set up after 15 days by the alleged eye-witnesses, name of the applicant surfaced in the confessional statement of co-accused- Gangaram, husband of the victim, applicant has no role in the alleged crime, is in jail since 12.9.2018, trial is not likely to be concluded in the near future, undertakes not to misuse the liberty, he be enlarged on bail.*

*Learned A.G.A opposed the prayer for bail on the ground that the co-accused Ganga Ram is the real brother of applicant, the overt act, i.e, victim was tied on a cot, taken to a nala and thrown in the nala, cannot be carried out by a single person.*

*Considering the rival contentions, the Court does not find any good ground to enlarge the applicant on bail.*

*The bail application stands rejected."*

By means of this second application, applicant-Layak Singh,

who is involved in Case Crime No. 59 of 2018 (Sessions Trial No. 459 of 2018), under sections 302, 201 IPC, police station Basai Mohammadpur, district Firozabad, seeks enlargement on bail during the pendency of trial.

It is argued by learned counsel for the applicant that almost all the prosecution witnesses have been examined before the trial court and they have not supported the prosecution case. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case during investigation though he is not named in the FIR. It is next submitted by the learned counsel for the applicant that the applicant has been in jail since 12.09.2018, therefore considering the detention period of the applicant, he should be enlarged on bail. Lastly, it is submitted by the learned counsel for the applicant that in case, the is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

Per contra, learned Additional Government Advocate vehemently opposed the prayer for bail by contending that the reason given for rejecting the first bail application of the applicant, is cogent and sound one. As per own submission of learned counsel for the applicant, the trial is at the fag end, therefore the applicant is not entitled to be released on bail.

Having heard the learned counsel for the parties, I find that trial is proceedings and statements of six prosecution witnesses have been filed along with bail application, which indicates that the trial is at advanced stage, therefore, I do not find any good ground to enlarge the applicant on bail at this stage.

Accordingly, the second bail application is rejected.

However, considering the facts and circumstances of the case, the trial court is directed to make an endeavour to conclude the trial, expeditiously, without granting any unnecessary adjournment to either of the parties.

However, it is clarified that the observation, if any, made herein above shall be strictly confined to the disposal of the bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 24.9.2021**

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