

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21397 of 2023

Applicant :- Sonu

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhupendra Pal Singh, Devendra Kumar Singh

Counsel for Opposite Party :- G.A., Abhishek Gupta

Hon'ble Mrs. Renu Agarwal, J.

1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.

2. The present application under Section 439 Cr.P.C has been filed seeking bail in Case Crime No.24 of 2023 under Sections 307, 504, 34 IPC and 3/25/ 27 Arms Act Police Station Jewar District Gautam Buddh Nagar.

3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to ulterior motive. General allegation have been levelled against the applicant and other co-accused persons. No specific allegations have been made against the present applicant. The FIR is delayed about five days, though the concerned police station is only five kilometer away from the place of occurrence. It is further submitted that the police forcibly caught the present applicant and brought to the police station. It is also submitted that false recovery of country made pistol and two live cartridges have been

shown from the possession of the present applicant. As per injury report fire arm injury was found, however in the supplementary report no firearm injury was found on the body of the injured. It is also submitted that the applicant has been falsely implicated due to old enmity. Apart from the instant case the applicant has criminal history of five more cases which have been explained in paragraph-18 of the affidavit filed in support of the bail application. The applicant is languishing in jail since 31.01.2023. Identically situated co-accused Bheem has already been enlarged on bail by this Court in Criminal Misc. Bail Application No17513 of 2023, vide order dated 26.04.2023. The applicant is seeking parity in relief granted to the aforesaid co-accused. It is lastly submitted that in case the applicant is enlarged on bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

4. Per contra learned counsel for the informant submitted that the applicant is the main culprit and he was arrested on the spot along with weapon. The applicant was brought to the police station by the police, hence the bail application is opposed.

5. From the perusal of record it transpires that the applicant along with three other persons assaulted the injured and the injured sustained firearm injuries. Two other co-accused have fled from

the place of occurrence and accused Sonu was arrested at the spot along with incriminating weapons i.e. tamancha and live cartridges by which he shot fired at the injured, hence the case of the present applicant is distinguishable from that of the rest of co-accused persons who were enlarged on bail and the present applicant cannot be given the benefit of bail.

6. In view of the above discussions, this Court do not find any good ground to enlarge the applicant on bail.

7. The bail application is accordingly rejected at this stage.

(Renu Agarwal,J.)

Order Date :- 20.11.2023

Nadeem