

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 31150 of 2023

**Applicant :-** Gabbar

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

**Counsel for Applicant :-** Shiv Kumar Singh

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

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard Sri Sandeep Kumar Shukla holding brief of Sri Shiv Kumar Singh, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.21 of 2023, under Sections 307, 325, 324, 504, 506 IPC, Police Station Kakarbai, District Jhansi, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The applicant has no concern with the alleged incident. It is also contended that from perusal of the injury report it is very much clear that no case under Section 307 IPC is made out against the applicant. A false recovery of axe. Learned counsel for the applicant further contended that the injured has not been admitted even a single day for the purposes of treatment because the injuries sustained by the injured are not fatal or grievous for life. There is no previous criminal history against the applicant except the present case. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 28.03.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail.

Accordingly, the bail application is allowed.

6. Let the applicant - **Gabbar**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :- 6.11.2023**

Shahroz