

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31503 of 2023

Applicant :- Navneet Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Shashank Shekhar Tiwari, Ashok Kumar Yadav

Counsel for Opposite Party :- G.A., Onkar Nath Vishwakarma, Praveen Kumar

Hon'ble Krishan Pahal, J.

1. List has been revised. Counter affidavit filed by learned counsel for the informant is taken on record.
2. Heard Sri Ashok Kumar Yadav, learned counsel for the applicant, Sri Praveen Kumar, learned counsel for the informant as well as Sri Shakeel Ahmad, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 188 of 2022, U/S 323, 324, 504, 506, 307 IPC, Police Station Kaundhiyara, District Prayagraj, during the pendency of trial.
4. As per prosecution story, the applicant alongwith two other co-accused persons is stated to have assaulted and caused grievous injuries to the husband of the informant on 27.8.2022 at about 2.45 pm.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. He has further stated that there is a cross version to the present case and an FIR No. 189 of 2022 was instituted the same day by sister of the applicant. Learned counsel has also stated that at this point of time, it cannot be ascertained as to which party is the aggressor. Two persons have sustained injuries from the side of the applicant, while only one person has sustained injuries from the side of the informant. It is next stated that the applicant has a criminal history of four cases, which has been explained vide supplementary affidavit.
6. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the

false implication of the applicant have also been touched upon at length. The applicant is languishing in jail since 10.4.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the injuries sustained by the husband of the informant are on vital part and are grievous in nature, as such, the applicant is not entitled for bail.

8. Keeping in view the nature of the offence, the fact that there is a cross version to the present case and also the fact that two persons are stated to have sustained injuries from the side of the applicant coupled with the fact that the criminal history of the applicant stands explained, the evidence on record regarding complicity of the accused, larger mandate of the Article 21 of the Constitution of India and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Navneet Pandey** who is involved in aforementioned 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Justice Krishan Pahal)

Order Date :- 21.11.2023

Shalini