Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34577 of 2023

Applicant :- Srikant Arya
Opposite Party :- State of U.P.
Counsel for Applicant :- Rajesh Kumar,Avinash Kumar Gautam,Harish Chandra,Sanjeev Patel
Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

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

2. The FIR in question was lodged alleging therein that three unknown motorcycle born miscreants after overtaking the vehicle of the son of the informant assaulted with with knife. The injured fell down on the ground.

3. It is argued by learned counsel for the applicant that applicant was not named in the first information report. His name as an accused in the present case surfaced for he first time in the statement of wife of the victim, who has stated that she was having love affair with the applicant and even after marriage he pressurized her and due to revenge, he attacked the victim with knife along with two other persons. Subsequently, the statement of the victim was also recorded, wherein he stated that his wife has informed him that the applicant was having love affair with her and he has cause injuries by using a knife. He next submits that the FIR in question records the time of incident as 7:45 p.m. on 10.5.2023, wherein the medical was conducted on 10.5.2023 at about 7:10 A.M. The rejoinder affidavit reveals that the injuries sustained by the injured were noted on 10.5.2023 at about 7:10 A.M. The injuries sustained by the injured as is also clear from the counter affidavit filed by the State. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 25.5.2023.

3. Learned AGA has opposed the bail application.

4. Considering the fact that prima facie the averments of the FIR are not corroborated with the medical evidence, considering the applicant is having no criminal antecedents to his credit,

considering that there was contradiction in the date and time of the incident and medical examination, hence the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

5. Let the applicant **Srikant Arya** be released on bail in FIR No. 183 of 2023, under section 307 I.P.C., P.S. Lanka, district-Varanasi, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 1.11.2023
Faridul

Digitally signed by :-
FAREEDUL HASAN
High Court of Judicature at Allahabad