

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35719 of 2023

Applicant :- Ashok Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajai Kumar, Pawan Kumar Shukla, Sunil Kumar Yadav

Counsel for Opposite Party :- G.A., Vivek Kumar Singh

Hon'ble Mrs. Renu Agarwal, J.

Counter affidavit filed on behalf of the informant, which is taken on record.

Heard learned counsel for the applicant, learned counsel for the informant, learned A.G.A. for the State and perused the material brought on record.

The present application under Section 439 Cr.P.C has been filed seeking bail in Case Crime No.71 of 2013, under sections 307, 323, 504, 506, IPC, Police Station Newadiya, District Jaunpur.

Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to ulterior motives. It is submitted that case is of civil nature and present proceeding has been initiated against the applicant to give criminal colour in the matter. As per the injury report of the injured the injuries are not found grievous in nature and no significant abnormality deducted in abdomen of the injured. Nothing has been recovered from the possession or pointing out of the present applicant. The applicant is languishing in jail since 20.05.2023 having no criminal history and in case she is granted bail, she will not misuse the liberty and would cooperate in the trial proceedings.

On the other hand, learned counsel for the informant as well as learned AGA for the State have opposed the prayer for bail and submitted that applicant is main assailant who assaulted the injured by knife and the knife has been recovered on the pointing out of present applicant after taking him in police custody remand by the investigating officer. Injury sustained by the injured in his abdomen by knife which is inflicted by sharp edge and pointed weapon is grievous in nature. The injuries of injured is in corroboration to the version of FIR.

I have heard the rival submissions of learned counsel for the parties and perused the record.

Perusal of FIR it transpires that applicant is main assailant and main allegation of assault by knife to the injured has been assigned to the present applicant. The weapon i.e. knife is recovered from pointing out of the present applicant after taking him on police custody remand by the investigating officer. Contents of FIR is corroborated by the statements of injured & medical officer as well as medical report of the injured. Ultrasound report of the injured is also corroborated the prosecution story. Injuries of injured are grievous in nature. If the applicant is enlarged on bail he shall try to temper the evidence.

In the aforesaid circumstances as well as considering the gravity of offence, no ground for bail is made out at this stage.

Accordingly, the present bail application is hereby rejected.

(Renu Agarwal,J.)

Order Date :- 12.10.2023

VKG