

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36364 of 2023

Applicant :- Santosh

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Ayub

Counsel for Opposite Party :- G.A.,Devesh Kumar Giri,Som Veer

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that two persons namely Amit as well as the applicant had come to the shop of the informant and caused injuries on account of indiscriminate firing which resulted into substantial injuries to the brother of the informant. Injury report is on record which indicates substantial injuries on the chest of the victim.
3. Counsel for the applicant draws my attention to the statement of the victim, wherein, he has stated that the gunshot was caused by one Amit, whereas the vehicle was driven by the applicant, thus, the role of causing gunshot injury was assigned to Amit and not to the applicant. The criminal antecedents are duly disclosed in para 9 of the bail application, wherein, the applicant is on bail in all three cases.
4. Learned A.G.A. and learned counsel for the informant vehemently opposed the bail prayer.
5. Considering the statement of the victim which primarily indicates that co-accused Amit had fired the gunshot and no role of firing has been assigned to the applicant. The applicant who is in custody since 26.07.2023, is enlarged on bail.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Santosh** be released on bail in FIR/ Case Crime No. 331 of 2023, under Sections 307, 120-B IPC, P.S. Tajganj, District Agra, on his furnishing personal bonds and two

reliable sureties of Rs. 25,000/- each to the satisfaction of the 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 :- 30.10.2023

S.A.