

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36790 of 2023

Applicant :- Gajendra @ Kalu @ Kalua

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Zakir

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 that the applicant came to the house of the victim and on account of altercation, with an intent to cause fatal injury, thrust a knife in the stomach of the wife of the informant. The medical report is on record which indicates stab injury on the Epigastic region 2 cm below umbilicus region. Contention of learned counsel for the petitioner is that there is a variance in the statements given by the victim.
3. Learned AGA has opposed the bail application.
4. Although on the face of it, the act alleged against the applicant is substantial in nature, however, considering the fact that the applicant is in custody since 02.02.2023 and has no criminal antecedent and there is nothing on record to demonstrate that the applicant, if enlarged on bail, can adversely affect the trial, the applicant is entitled to be enlarged on bail. In view thereof, the application is **allowed**.
5. Let the applicant **Gajendra @ Kalu @ Kalua** be released on bail in FIR No.22 of 2023, under Section 307 IPC & Section 25/4 of Arms Act, P.S. Narsaina, District Bulandshahar on his furnishing a personal bond with two sureties of Rs.30,000/- 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 :- 30.10.2023

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