

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38919 of 2023

Applicant :- Dharmendra Kumar @ Dharmi

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Tripathi, Mandvi Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Ms. Mandvi Tripathi, learned counsel for the applicant, learned AGA for the State who has filed compliance affidavit which is taken on record and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.332 of 2023, under Sections 323, 307, 504, 506 IPC, Police Station Dadri, District Gautam Budh Nagar, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that there was a property dispute regarding which the informant has falsely implicated the applicant to mount pressure upon him. She further contends that there was no bony fracture; no active bleeding; no spine tenderness; though there was injury on the right upper back which was not on the vital part of the body of the injured. Injured had recovered from the injury and a male baby was also born. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 12.07.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant - **Dharmendra Kumar @ Dharmi**, involved in the aforesaid case 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 the

conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 13.10.2023

Shahroz