

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39287 of 2023

Applicant :- Hori Lal

Opposite Party :- State of U.P.

Counsel for Applicant :- Girja Shanker Sen, Krishna Dutt Awasthi

Counsel for Opposite Party :- G.A., Bachan Singh, Vimal Kumar Pandey

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Bachan Singh, counsel for the informant. Perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 443 of 2021, under Sections 307, 504, 506 I.P.C., Police Station- Aonla, District- Bareilly during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case owing to previous dispute between the parties. The injuries sustained by the injured are on non vital part of the body and are found simple in nature. The applicant had no intention to kill the injured. The criminal history of the applicant has been explained in para 18 of the bail application. The applicant is in jail since 13.6.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the injuries sustained by the injured are on non-vital part of the body and are simple in nature. Further the applicant has presently remained confined for more than four months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Hori Lal** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties

each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 16.10.2023
S.S.