

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39397 of 2023

Applicant :- Kapil

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Belal

Counsel for Opposite Party :- G.A., Ram Krishna Mishra

Hon'ble Pankaj Bhatia, J.

1. Supplementary Affidavit filed in court is taken on record.
2. Heard learned counsel for the applicant, Sri Ram Krishna Mishra, the counsel for the informant as well as learned AGA and perused the record.
3. The accused-applicant seeks bail in Case Crime No.252 of 2023 under sections 307, 323, 504, 506 IPC, P.S. Pilkhuwa, District Hapur.
4. The FIR in question was lodged alleging that the accused named in the FIR caused injuries after an altercation with the use of countrymade pistol.
5. The counsel for the applicant argues that one of the co-accused with the similar allegations has been enlarged on bail by this court vide order dated 17.08.2023 passed in Bail No.33571 of 2023. He further draws my attention to the medical report which does not indicate any bullet injury and the statement of the informant/victim also does not support the story of any gun shot injury.
6. Considering the fact that the co-accused has been enlarged on bail on the same allegations, the criminal history has been duly explained and the statement of the victim does not indicate any gun shot injury, the applicant is entitled to be enlarged on bail. Thus the bail application is allowed.
7. Let the applicant ***Kapil*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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 :- 6.11.2023

VNP/-