

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40644 of 2023

Applicant :- Ram Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Vikram Singh,Vivek Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned A.G.A for the State has filed counter affidavit today in Court, which is taken on record.

2. Heard Sri Sanjay Vikram Singh, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.

3. The instant bail application, under Section 439 Cr.P.C, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 29 of 2023, under Sections 323, 324, 325, 326, 504 and 506 I.P.C, Police Station- Matsaina, District - Firozabad, during the pendency of trial.

4. Counsel for the applicant submitted that the accused-applicant has been falsely implicated in the instant case. Learned counsel contended that it is a case of Section 325 I.P.C only, however, on account of grievous injuries such as incised wound and teeth having been routed out, Section 326 I.P.C. has been added, however, no weapon or instrument as explained in Section 326 I.P.C, has been mentioned in the F.I.R. or in the statement, except lathi and stick, therefore Section 325 I.P.C would not be applicable. The applicant is in jail since **13.08.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.

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

9. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

10. Let the applicant- **Ram Kumar**, involved in the aforesaid case crime 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.

11. 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 :- 2.11.2023

Vinod.