

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41134 of 2023

Applicant :- Veer Vikram Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajiv Lochan Shukla, Sharda Prasad Mishra

Counsel for Opposite Party :- G.A., G.S. Chauhan

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit and rejoinder affidavit filed today are taken on record.
2. Heard Sri Rajiv Lochan Shukla, learned counsel for the applicant, Sri G.S. Chauhan, learned counsel for the informant as well as A.G.A. for the State and perused the record.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 75 of 2023 under Sections 147, 148, 149, 307, 323, 325, 452, 506 I.P.C., Police Station- Samthar, District-Jhansi, during the pendency of the trial.
4. In the F.I.R. lodged on 21.5.2023, it is alleged that five named accused including the applicant and some unknown accused persons armed with lathi, danda, rod and country made pistol came and assaulted the injured Rachit Singh.
5. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case due to enmity. No recovery of any weapon used in the alleged crime has been recovered from the possession of the applicant. No specific role has been assigned to the applicant for causing any injury to the injured. The informant himself is an accused in Crime No. 68 of 2023. It is next contended that during the course of treatment the injured left the hospital against the medical advice. As per the report of PHC, Samthal, Jhansi, the injured sustained 15 injuries. Out of these 15 injuries, injury nos. 1, 2, 3, 4, 6, 7, 8, 11, 13 were kept under observation and expert opinion was sought. Rest of the injuries were found to be simple in nature.

6. It is further contended that at the time of leaving the hospital at Jhansi, no grievous injury was noted on the skull of the injured and in a very suspicious manner sutured wounds were shown by the doctor on the head of the injured. As per the supplementary report, one CT Scan and six X-ray were conducted on the injured at District Hospital Jhansi, wherein three injuries i.e. multiple fracture noted in left tibia bone (shaft), fracture in 4th & 5th metacarpal bones in right hand and fracture in proximal and middle phalanges bones in 4th and 5th finger in right hand were noted, however, these injuries were opined to be grievous in nature. From the above evidence, it is clear that no fracture on the vital part of the injured was found. It is next contended that the injured was medically examined in SGPGI, Lucknow, where six sutured wounds were found on the person of the injured out of which three injuries were on right temporoparietal region, left occipital region and left frontal region of skull were found, however, no clotting or fracture were found beneath these injuries and fracture on the other parts of the body would fall under Section 325 I.P.C. The informant has wrongly mentioned in para 16 of the counter affidavit that these injuries were opined to be grievous in nature.

7. It is lastly contended that the applicant has no previous criminal antecedent to his credit, he is in jail since 26.6.2023, in case he is released on bail he will not misuse the liberty and shall not abscond or tamper with the evidence.

8. Learned counsel for the informant and learned A.G.A. has opposed the prayer for bail and contended that the accused alongwith other co-accused persons with intention to kill the injured brutally assaulted him. The injured received as many as 16 injuries on his person which were caused by hard and blunt object. The injured and other witnesses have fully supported the prosecution story in their statements, therefore, the applicant is not entitled for bail.

9. Having regard to the submissions made above and the fact that the applicant has remained confined for more than four months, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial 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.

10. Let the applicant- **Veer Vikram Singh**, involved in 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.

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 :- 31.10.2023

S.Verma