

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 40567 of 2023

**Applicant :-** Sonu Yadav

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vikash Chandra Tiwari, Nitin Sharma

**Counsel for Opposite Party :-** G.A., Dharendra Kumar Verma, Pragyakar Mani Tripathi

**Hon'ble Umesh Chandra Sharma, J.**

1. Counter affidavit filed today by learned counsel for the informant is taken on record.
2. Heard Sri V.C. Tiwari, learned counsel for the applicant, Sri D.K. Verma, learned counsel for the informant as well as learned 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. 386 of 2023 under Section 307 I.P.C., Police Station- Pilkhua, District- Hapur, during the pendency of the trial.
4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. Learned counsel for the applicant has contended that it is a case of accident as the applicant returned to toll plaza only on the direction/request of the injured as the toll was not deducted, however, the injured came in the way and got hit by the Car. The applicant had no motive or intention to kill the injured. It is further contended that at the time of the incident, the applicant was accompanied by his family members and no common man would dare to commit such incident in presence of his family members. It is also contended that as per the opinion of the doctor, the injuries were not fatal or and thus offence under Section 307 I.P.C. is not made out. It is lastly contended that the applicant has no criminal history, he is in jail since 11.8.2023, in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned counsel for informant has vehemently opposed the prayer for bail and drawn the attention of the Court towards the photographs of the alleged incident. He contended that from the

photographs it is very much clear that the accused-applicant deliberately came back and with intention to kill the injured ran over his vehicle on the injured who was standing on a different lane. As per the medical report, there is fracture in the left femur bone and antero-lateral aspect of right 3rd to 6th ribs were found fractured and displaced.

6. Having regard to the submissions made above and the fact that the applicant has remained confined for almost two 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.

6. Let the applicant- **Sonu Yadav**, 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.

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 :- 17.10.2023**

S.Verma