

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41352 of 2023

Applicant :- Vimal

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Pratap Singh, Himanshu Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.124 of 2023, under Sections 323, 307, 452, 506, 34 IPC, Police Station Chapar, District Muzaffarnagar, during the pendency of trial.

3. Learned counsel for the applicant submits that in respect of the alleged incident there is delay in lodging the FIR as the incident occurred on 27.05.2023 at 03:00 p.m. but the FIR has been lodged on 28.05.2023 at 12:28 p.m. for which there is no plausible explanation given by the informant. It is also contended that the co-accused, Ishwar Chand has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 19.10.2023 passed in Criminal Misc. Bail Application No.41376 of 2023, therefore, the applicant is also entitled to be enlarged on bail as his case is on the better footing to that of the aforesaid co-accused. It is further contended that the injuries sustained by the informant side are simple in nature. There is no criminal history. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 29.05.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail and submits that the applicant attacked with spade upon the injured, Sawan which has been contradicted by the counsel for the applicant that all the injuries are simple in nature except injury no.1 which, after the X-Ray report and when the supplementary medical report was prepared, has also been found to be NAD.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the

case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - Vimal, involved in the 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 they:

(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 :- 17.11.2023

Shahroz