

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41652 of 2023

Applicant :- Tej Singh And Aonther

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Sharma, Arvind Kumar, Hemendra Kumar, Pranshu Dwivedi, Rajesh Kumar Sharma, Ram Prakash Dwivedi

Counsel for Opposite Party :- G.A., Rahul Kumar Sharma

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Arvind Kumar alongwith Sri Ram Prakash Dwivedi, learned counsel for the applicants, learned AGA for the State, Sri Rahul Kumar Sharma, learned counsel for the informant and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.130 of 2023, under Sections 147, 148, 149, 323, 452, 504, 506, 325, 308 IPC, Police Station Sadabad Kotwali, District Hathras, during the pendency of trial.

3. Learned counsel for the applicants submitted that the applicants have been falsely implicated in the present case. There is previous enmity between both the parties due to property dispute. Some altercation took place between the nephew of the applicants and husband of the informant in which husband of the informant, her son and brother-in-law (*devar*) received some injuries. No specific but general role has been assigned to the applicant. There is no previous criminal history against the applicants. There is no likelihood of their abscondence or tampering with the evidence. The applicants are in jail since 08.08.2023. In case the applicants are enlarged on bail, they will not misuse the said liberty.

4. From perusal of the record it transpires that the informant Urmila Devi has received an injury on her chin which was simple in nature. Husband of the informant namely Pooran Chand has received two lacerated wounds, one traumatic swelling and two complaint of pain which are simple in nature. Injured Dilip has received two injuries of traumatic swelling, one abrasion and one abraded contusion and one complaint of pain which are also

simple in nature. Son of the informant namely Denny has received five injuries; one traumatic swelling which was found to be a fracture on his left hand, one abrasion, one traumatic swelling over the left knee joint, one abraded contusion and one complaint of pain. Except the fracture on left hand of the injured, rest injuries are simple in nature. So far as the injury no.1, fracture on the left hand of the injured is concerned, the same attracts only Section 325 IPC which is bailable. Vishnu, *devar* of the informant has received three injuries; injury nos.2 and 3 are simple in nature, though as per CT Scan Report, injury no.1, contusion on the left side of head was found to be depressed fracture on left temporal bone of skull which has not been said to be dangerous or fatal for his life. It has been opined by the doctor to be grievous in nature which also attracts only Section 325 IPC.

5. Learned AGA and learned counsel for the informant have opposed the prayer for bail. However, factual aspects of the matter could not be disputed.

6. Having regard to the fact that there is no criminal history against the applicants, period of incarceration and other submission made but without commenting on merits of the case, this Court is of opinion that the applicants are entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicants - **Tej Singh** and **Gajendra**, involved in the aforesaid case be released on bail on their 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.

8. 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

Shahroz