

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41935 of 2023

Applicant :- Varun

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Kumar Tripathi, Anup Kumar Singh

Counsel for Opposite Party :- G.A., Km Preete

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Deepak Kumar Tripathi, learned counsel for the applicant, Km Preete, learned counsel for the informant and learned A.G.A. for the State and perused the records.
2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 22 of 2021, under Sections 323, 325, 308, 504, 506 IPC, Police Station Basauni, District Agra, during pendency of the trial.
3. Learned counsel for the applicant submits that applicant has falsely been implicated in this case. General role has been assigned to the applicant. It has not been averred in the F.I.R. or by the witnesses that the applicant is the author of the injury of Meera Devi, on which basis the Investigating Officer has added section 308 Cr.P.C. against the accused persons. So far as, the injury of Smt. Sarvesh is concerned it is not on vital part, though it has been said to be grievous in nature which would attract section 325 of the IPC, which is a bailable offence. He further contended that even the alleged fracture of Meera Devi is linear fracture on high parietal bone. He further contended that the doctor has not formally opined that injury was danger to life. He has wilfully said that the injury **may be** dangerous. There is no any other criminal antecedent to the credit of the applicant. The applicant is languishing in jail since 19.09.2023, in case he is enlarged on bail, he will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
4. Learned counsel for the informant has opposed the bail application and contended that due to abscondence of the applicant the delay has been caused in disposal of the case.

5. learned A.G.A. has also opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. 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.

7. Let the applicant, **Varun** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall attend the court regularly specially on the occasion of framing of charge, on the dates of examination of witnesses of fact, on the date of statement recorded under section 313 Cr.P.C and also on the date of argument and judgment without any delay.

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 :- 2.11.2023

Vikram