

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43003 of 2023

Applicant :- Anirudh Rai

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Tiwari, Sudhakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Sri Jitendra Kumar Yadav, Advocate has filed his Vakalatnama on behalf of informant, which is taken on record.

2. Heard learned counsel for the applicant, Sri Jitendra Kumar Yadava, learned counsel for the informant, learned AGA and perused the record.

3. The contention of learned counsel for the applicant is that initially in Case Crime No. 214 of 2019, under Sections 308, 323, 504 and 506 I.P.C. the applicant was enlarged on bail, vide order dated 13.2.2023 and after he is being enlarged on bail, allegedly on 9.3.2023 the applicant with a view to force a compromise entered into the house of the informant and committed offence, which was registered under Sections 504 and 506 I.P.C. The incident took place on 9.3.2023 but the FIR was lodged on 11.3.2023 and on the foundation of the said FIR an application was moved for cancellation of bail granted to the applicant on 13.2.2023. On the basis of the said application, the order came to be passed on 9.6.2023 cancelling the bail granted mainly on the ground that while the first bail was granted, condition was imposed that he will not influence the trial.

4. Learned counsel for the applicant further submits that the sole foundation of filing an application for cancellation of bail is the F.I.R. in Case Crime No. 197 of 2023 under Sections 504 and 506 I.P.C. which itself was registered after two days of the alleged incident. He further argued that no application has been filed for grant of any witness protection before the court concerned. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 22.08.2023.

5. Learned AGA has opposed the bail application.

6. Considering the fact that sole foundation for cancellation of bail is an FIR, which was lodged allegedly after two days of the

incident and was registered only under Sections 504 and 506 I.P.C., coupled with the fact that learned counsel for the applicant argues that this Court may imposed any other condition as may deem fit as the case is of the year 2019 and the trial has not yet been started for the last four years, the applicant is entitled to be enlarged on bail in addition to the normal condition enumerated herein below, the applicant shall report to the local police station Pipraich on first day of each month and shall not indulge in similar offence. Application is allowed.

7. Let the applicant **Anirudh Rai** be released on bail in Case Crime No. 214 of 2019, under sections 308, 323, 504 and 506 I.P.C., P.S. Pipraich, district-Gorakhpur, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 21.11.2023
Faridul