

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43745 of 2023

Applicant :- Neeraj

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Kumar Mishra

Counsel for Opposite Party :- G.A., Surendra Kumar Tripathi

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by counsel for the applicant is taken on record.
2. Copy of the diary including the medical report produced by Sri Anupam Anand, learned A.G.A. for the State, is taken on record.
3. Heard counsel for the applicant, Sri Surendra Kumar Tripathi, counsel for the informant and learned AGA for the State.
4. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 367 of 2023, under Sections 147, 323, 325, 308, 504 and 506 of I.P.C., Police Station- Jagdishpura, District- Agra.
5. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is in jail since 16.08.2023, having no criminal history.
6. Learned AGA for the State and counsel for the informant have opposed the prayer for bail.
7. Having heard counsel for the parties and having perused the record this Court prima facie finds that in the statement of the injured, specific role of causing injury by a lathi on the head and leg of the injured has been assigned to the applicant. As per the medical report, the injured sustained nine injuries. As per the supplementary medical report, the injured sustained fractures of medical malleolus of right tibia, right calcaneum and right parietal bone. As per the statement of the doctor, the injury was found grievous in nature and was caused by hard and blunt object. The prosecution case is supported by the CCTV footage of the incident, informant as well as the injured and the medical examination report of the injured corroborates the prosecution case.
8. Accordingly, the bail application is rejected.

9. It is made clear that the observations made in this order shall have no bearing on the merits of the case.

10. The trial court is directed to conclude the trial within one year from the date of receipt of the certified copy of this order. The trial court shall proceed with the trial on day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to.

11. A copy of this order may be communicated to the learned trial Judge through the District Judge, Agra by the Registrar (Compliance) of this Court forthwith.

Order Date :- 7.11.2023

Sachin Mishra