

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44916 of 2023

Applicant :- Ranveer

Opposite Party :- State of U.P.

Counsel for Applicant :- Bharat Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned Counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case No. 358 of 2023 Case Crime No. 174 of 2022, under Sections 308, 325, 323, 504 I.P.C., Police Station- Dhanari, District-Sambhal during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. As per the allegations in the first information report three persons including the applicant are alleged to have assaulted three persons namely, Chandrabhan, Veer Pal and Sulendra. Sulendra was not medically examined. As per medical report of Chandrabhan he received two injuries. The injury no.1 was kept under observation and was referred for x-ray examination. As per x-ray report a fracture of occipital bone was seen. Injury no.2 is also fracture of a middle finger whereas the injured Veerpal received two injuries, one on his left hand and other on his left thumb. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury no.1 on the head of injured Chandrabhan. Even the injured Chandrabhan has not nominated the applicant as the principal offender who caused the head injury. It is next contended that the co-accused Happu Singh has been granted bail by the trial court vide order dated 11.10.2023 passed in Bail Application No. 1538 of 2023. The applicant is in jail since 23.8.2023 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the offender who caused the injury on the

head of the injured Chandrabhan. The co-accused Happu Singh has been granted bail by the trial Court. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than nine months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Ranveer** 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 tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 26.10.2023
S.S.