

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45042 of 2023

Applicant :- Anand Balmiki

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Wajid Ali, Santosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Case diary produced by learned A.G.A. is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 67 of 2023, under Sections 307 I.P.C. and 3/25 Arms Act, Police Station Prem Nagar, District Bareilly during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant is a Waiter in Blueberry S.S.D. Plaza restaurant situated at Bareilly and has been falsely implicated in the instant case. The applicant is in jail since 05.03.2023 having no criminal history.
5. Learned AGA has opposed the prayer for bail.
6. Having heard learned counsel for the parties and after perusal of the record, the Court prima facie finds that specific role of causing firearm injury upon the injured Gautam Yadav has been assigned to the applicant. As per the medical report, the injured has sustained firearm injury on his left scapula. As per the statement of the doctor, a bullet was found in the chest region which was removed. The injury was found grievous in nature. As per Parcha No. 14 of the case diary, the CCTV footage of the incident was recovered by the Investigating Officer. The firearm was also recovered at the pointing out of the applicant. The prosecution case is supported by the informant as well as injured and the medical examination report of the injured corroborates the prosecution case.
7. Accordingly, the bail application is rejected.

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

9. The trial court is directed to conclude the trial expeditiously, preferably within a period of one year from the date of receipt of a certified copy of this order on day to day basis.

10. Office is directed to send a copy of this order to the trial court for information.

Order Date :- 27.10.2023

SKT/-