

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44973 of 2023

Applicant :- Ajay Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ishwar Chandra Tyagi, Sandeep Kumar Srivastava

Counsel for Opposite Party :- G.A., Sanjeev Kumar Rai

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Sandeep Kumar Srivastava, learned counsel for the applicant, learned AGA for the State, Sri Sanjeev Kumar Rai, learned counsel for the informant and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.389 of 2023, under Section 307 IPC, Police Station didoli, District Amroha, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the injuries of the injured Dr. Honey Gupta and Dr. Anuragpal Singh are simple in nature on non vital part of the organs. Contrary to it, the applicant has received five injuries, such as two lacerations, two red contusions and one abrasion. Injury No. 1 and injury No.3 are lacerated wounds and on the vital part of the body of the applicant. It is a case of intention, hence hit on the each other with an intention to kill the passengers sitting therein.
4. From the perusal of the record, it has been established that there was previous enmity between the parties and even at the time of accident the mother of Dr. Honey Gupta was sitting in the office of Superintendent of Police, Amroha wherefrom she was called for her mother and she was going there with Dr. Anuragpal Singh. There is also an allegation that Rs. 23, 41, 866/- has been taken by Dr. Honey Gupta in her account from the applicant which has not been returned by the applicant till now.
5. There is also contrary version regarding payment of the aforesaid money from the side of the informant. The previous criminal history of the applicant of three cases have also been explained in paragraph No. 16 of the affidavit. The applicant is in jail since 10.08.2023. The charge sheet has also been submitted.

6. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

8. Let the applicant - **Ajay Kumar**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

9. 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 :- 12.12.2023

RPD