

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45340 of 2023

Applicant :- Shyam Singh Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Kumar Singh

Counsel for Opposite Party :- G.A.,Kamal Kumar Singh

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.88 of 2023 at Police Station-Jafrabad, District-Jaunpur under Sections 302, 323, 504 IPC. The applicant is in jail since 09.06.2023.

The bail application of the applicant was rejected by the learned trial court on 03.10.2023.

The following arguments made by Shri Vivek Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Dharanidhar Pandey, learned counsel holding brief of Shri Kamal Kumar Singh, learned counsel for the informant and Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The F.I.R. is the result of an altercation which suddenly turned violent.
2. The deceased and his party were aggressors.
3. The two persons from the applicant's side were injured.

The applicant acted in self defence and did not exceed his right of self defence.

4. The medical report of the deceased discloses that he did not suffer any grievous injuries.

5. The NCR was got registered after the incident.

6. Nature of the injuries shows that there was no intent to kill the deceased.

7. The post mortem report opines that the cause of death was "septicemic shock as a result of antemortem abdominal injuries".

8. The septicemic occurred because of lack of proper medical care and not on account of grievous nature of injuries.

9. The applicant does not have any criminal history apart from this case.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Shyam Singh Chauhan be released on

bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 8.11.2023

Ashish Tripathi