

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45934 of 2023

Applicant :- Bitto @ Bittan

Opposite Party :- State of U.P.

Counsel for Applicant :- Rohan Gupta, Ankit Saran, Ram Murti Yadav

Counsel for Opposite Party :- G.A., Tiwari Abhishek Rajesh

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned counsel for the informant, learned AGA and perused the record.

2. In terms of the FIR, it was alleged that eight named persons, including applicant had caused severe injuries to the wife of informant. The victim in her statement recorded under section 164 Cr.P.C. has specifically stated that the applicant had torned her clothes. She has not made any allegation of causing injuries against the applicant. He further submits that the applicant is a lady and she is entitled to get benefit under the provision section 437 Cr.P.C. He further submits that the applicant has no criminal antecedents to her credit and she is in jail since 4.9.2023, is entitled to be enlarged on bail.

3. Learned AGA has opposed the bail application.

4. Considering the fact that although in the FIR the allegation of assaulting the wife of the informant was made against accused persons, including applicant but the victim in her statement under Section 164 Cr.P.C. has denied the same and stated that the applicant has torned her clothes, in view thereof, the application is allowed.

5. Let the applicant **Bitto @ Bittan** be released on bail in FIR No. 120 of 2022, under sections 147, 148, 323, 354B, 504, 506, 307 and section 34 I.P.C., P.S. Rajpur, district-Kanpur Dehat, on her furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which she is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

Faridul