

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45954 of 2023

Applicant :- Guddu Alias Vipin Jaiswal

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Arvind Singh Patel, Ashutosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

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

2. The FIR in question was lodged alleging that the applicant alongwith four unknown persons had come to the house of the informant and had attacked the family members on three occasions. Based upon the said allegations, the FIR in question was lodged against the applicant. It is argued by counsel for the applicant that the applicant had approached this Court by filing Application U/S 482 No.34103 of 2023 wherein vide order dated 15.09.2023 directions were issued for deciding the bail application of the applicant in the light of the law laid down in the case of *Satender Kumar Antil v. Central Bureau of Investigation & Anr*; 2021 SCC OnLine SC 922; some interim protection was also granted to the applicant. It is argued that the applicant was thereafter enlarged on interim bail, however, his final bail has been rejected.

3. Learned AGA has opposed the bail application.

4. Considering the nature of the allegations as well as the fact that there exists a dispute in between the parties pertaining to occupation of a lawn in front of their house and the fact that the offences alleged against the applicant are punishable for a term less than 7 years, the applicant who is in custody since 10.10.2023, is entitled to be enlarged on bail. In view thereof, the application is ***allowed.***

5. Let the applicant ***Guddu Alias Vipin Jaiswal*** be released on bail in FIR No.154 of 2022, under Section 323, 504, 506, 354 IPC & Section 7/8 of POCSO Act, P.S. Kakadev, District Kanpur Nagar, on his 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 he 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 31.10.2023

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