

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45672 of 2023

Applicant :- Ashish @ Ashu

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged by the victim alleging that three persons named in the FIR had caused firearm injury. As regards the applicant, it is alleged that the firearm injury has been caused on the right arm of the informant.

3. It is argued by the Counsel for the applicant that the injury allegedly suffered by the informant was not on any vital part coupled with the fact that one of the co-accused against whom the injuries of firearm was alleged, namely, Mukesh has not even been charge-sheeted. As regards the recovery of weapon, it is alleged that the same was shown to have been recovered from three persons. It is argued that the recovery is not in terms of the mandate of Section 100 of Cr.P.C.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the nature of allegations coupled with the fact that one of the co-accused Mukesh has not even been charge-sheeted and the injury sustained by the victim is not on vital part and the applicant has no criminal history and is in jail since 22.06.2023, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Ashish @ Ashu*** be released on bail in FIR/ Case Crime No.330 of 2023, under Sections 147, 148, 149, 307, 504 IPC, Police Station Sikandararau, District Hathras on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 30.10.2023

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