

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12064 of 2023

Applicant :- Janaki And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Nagendra Bahadur Singh, Kumar
Ashutosh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Kumar Ashutosh Srivastava, learned counsel for the applicants and Sri Shakil Ahmad, learned A.G.A. for the State and also perused the material available on record.
3. The present anticipatory bail application has been filed on behalf of the applicants, **Janaki** and **Vandana** in F.I.R./Case Crime No. 332 of 2021, under Sections 304, 336, 147, 148, 323 of IPC, Police Station Kotwali, District Deoria, with a prayer to enlarge them on anticipatory bail.
4. As per prosecution story, on the exhortation of co-accused Suman, the applicants and other co-accused persons armed with rod, bricks and other implements are stated to have assaulted the informant and his family members thereby causing grievous injuries to three ladies in all. There is specific allegation against the co-accused Kuber of having assaulted the injured Aarti causing injuries to her head and later on, she succumbed to her injuries.
5. Learned counsel for the applicants has stated that they are maliciously being prosecuted in the present case due to ulterior

motive and have apprehension of their arrest. They have nothing to do with the said offence as alleged by the prosecution. Learned counsel has further stated that the injured Aarti succumbed to her injuries subsequently and there are six injuries on the body of injured Jyoti and three injuries on the body of Sindhu Devi. General role has been assigned to six accused persons except the co-accused Kuber. No role of causing injuries to any person has been assigned to the applicants.

6. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at length. It is further submitted that the applicant no. 2 is the daughter of applicant no.1 and both are ladies. The applicants have no criminal history. In case, the anticipatory bail application of the applicants is allowed, they will not misuse the liberty and shall cooperate with trial.

7. On the other hand, learned A.G.A. has vehemently opposed the prayer for grant of anticipatory bail on the ground that there are three injured persons and that too are ladies. They have sustained grievous injuries and even injured Aarti succumbed to her injuries sustained in the said brawl. However, learned AGA could not dispute the fact that the applicants have no criminal history.

8. After considering the facts and circumstances of the case, perusing the material available on record, hearing the submissions advanced by the learned counsel for the parties and also taking into consideration the fact that the injuries were inflicted on three ladies and one injured Aarti had expired due to the injuries caused in the said incident, I do not find it a fit case to grant anticipatory

bail to the applicants.

7. The present anticipatory bail application is, accordingly,
rejected.

(Justice Krishan Pahal)

Order Date :- 2.11.2023
Siddhant