

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46203 of 2023

Applicant :- Jalil And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Vakalatnama filed by Sri Ashish Pandey on behalf of the informant is taken on record.
2. Heard learned counsel for the applicants, the counsel for the informant and the learned AGA.
3. The accused-applicants seek bail in Case Crime No.319 of 2022 under sections 323, 504, 506, 452, 308 IPC, P.S, Puranderpur, District Maharajganj.
4. The FIR in question was lodged alleging that on account of their being objection to the demand of a way in front of the house, an altercation took place which ultimately resulted in exchange of fight in between the parties. It is stated that cross first information reports were filed by both the parties.
5. It is argued by the counsel for the informant that the injuries was sustained on the parietal bone which is serious in nature.
6. To counter the said submission, the counsel for the applicant argues that similar injuries including fracture in temporal region was sustained by the applicant also. The applicant has no criminal history whereas the applicant no.2 has one case against him in which he is on bail.
7. Considering the nature of the allegations, the dispute emanate for a way, without there being any prima facie intention to cause injuries, both the sides have sustained injuries and the fact that the case is a result of cross first information reports and here is nothing on record to demonstrate that the applicants if enlarged on bail can adversely affect the trial, the applicants who are in custody since 12.10.2023 are entitled to be enlarged on bail. Thus the bail application is allowed.

8. Let the applicants ***Jalil and Tahir*** be released on bail in the aforesaid first information report number subject to their furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount to the satisfaction of the court concerned with the following conditions:

- (a) The applicants shall execute a bond to undertake to attend the hearings;
- (b) The applicants shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and
- (c) The applicants 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 1.11.2023

VNP/-