

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46015 of 2023

Applicant :- Vishnu And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Yogesh Kumar Singh,R.P.S. Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.
2. The accused-applicants seek bail in Case Crime No.261 of 2023 under sections 147, 148, 149, 323, 504, 506, 307 IPC, P.S. Khandauli, District Agra.
3. The counsel for the applicant argues that in terms of the FIR, three persons namely Ram Prakash and the applicants were assigned the role of causing injuries by the use of a country made pistol. With regard to others, the allegations were made by causing injuries to iron rod, lathi and danda.
4. The counsel for the applicants argues that on the basis of the allegations, prima facie the injuries sustained are not corroborated, the injury reports of the victim are enclosed from page 33 onward. It is further argued that a cross FIR was also registered at the instance of the applicants and the other persons also sustained injuries, however, the informants are absconding. He argues that on the same role, one Ram Prakash has been enlarged on bail by this court vide order dated 31.10.2023 passed in Bail No. 42435 of 2023. The criminal history has been duly explained in para 42 of the bail application.
5. Considering the fact that the co-accused who has been assigned the similar role has been enlarged on bail and there is no material on record to suggest that the applicant, if enlarged on bail can adversely affect the trial, the applicant is entitled for the bail. Thus the bail application is allowed.
6. Let the applicants **Vishnu and Shampu @ Krishna** be released on bail in 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 he is 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

VNP/-