

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46506 of 2023

Applicant :- Pawan

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhir Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant and Sri Anupam Anand, learned brief holder for the State-opposite party.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No.425 of 2022, under Sections 307, 323, 325, 352, 452, 504 and 506 of I.P.C, Police Station Partapur, District Meerut during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. Four persons, including the applicant are nominated in the first information report. The applicant and the co-accused, Rajendra are alleged to have caused injury on the brother of the informant Jagveer and his niece Pawan. As per the medical report of Jagveer, he sustained eleven injuries. The injury no. 2 on the right shoulder and injury no. 9 on the left knee were found grievous in nature whereas, other injuries were found simple in nature. The injuries sustained by the niece of the informant were found simple in nature. It is contended that the applicant did not have any intent to kill the injured persons. The grievous injuries were found on non-vital part of the body. It is next contended that the co-accused, Anil has been granted bail by this Court vide order dated 13.10.2023 passed in Criminal Misc. Bail Application No. 38854 of 2023. The applicant is in jail since 03.08.2023, having no criminal history and if he is released on bail, he will not misuse the said liberty.
4. Learned brief holder for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that injuries sustained by the niece of the informant were found simple in nature whereas, injury nos. 2 and 9 on Jagveer were found on non vital part of the

body. At this stage, it cannot be said that the applicant had any intent to kill the injured persons. Further, the co-accused, Anil has been granted bail by this Court. Moreover, the applicant has no criminal antecedents and has remained confined for more than four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Pawan**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 8.12.2023
Sachin Mishra