

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46579 of 2023

Applicant :- Mahesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ishwar Chandra Tyagi

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 Sri Sanjay Singh, learned Counsel appearing on behalf of the complainant and perused the record.
2. The FIR in question was lodged alleging that five persons named in the FIR had caused severe injuries to the wife and son of the informant.
3. The Counsel for the applicant argues that the injury report, which is on record, does not indicate any grievous injury as is clear from the report contained at page 26 to 29 of the paper book. Although Injury no.3 is said to be severe, however, the fact remains that the other injuries are simple in nature.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the submissions made at the bar, prima facie, injuries sustained in the offence in question are not severe except for one injury and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, 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 ***Mahesh*** be released on bail in FIR/ Case Crime No.40 of 2023, under Sections 147, 148, 452, 323, 324, 504, 506, 308 IPC, Police Station Bamrauli Katara, District Agra 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 :- 2.11.2023

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