

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47295 of 2023

Applicant :- Pintu @ Anil

Opposite Party :- State of U.P.

Counsel for Applicant :- Birendra Singh Khokher

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, Sri Anand Prakash Dubey holding brief of Sri Prashant Kumar Dubey the counsel for the informant as well as learned AGA and perused the record.

2. The accused-applicant seeks bail in Case Crime No.657 of 2023 under section 307, 323, 504, 506, 324 IPC, P.S. Baraut, District Baghpat.

3. The FIR in question was lodged alleging that on account of the dispute emanating from an election, the applicant tried to run over the vehicle, which could be avoided. Thereafter, the applicant caused substantial injuries by use of Fawda on the son of the informant in which he sustained injuries.

4. The counsel for the applicant draws my attention to the injury report, which is on record at page 52, which records as many as ten injuries, out of the said ten injuries, the injury no.1 and 4 were found to be of grievous injury, the other injuries were found to be simple in nature. As regards the injury no.1, the informant was advised to undergo x-ray. The counsel for the applicant further draws my attention to the subsequent x-ray done on 15.09.2023, which records no bony injury. Subsequently, after about nine days on 23.09.2023, in a CT Scan, fracture was seen on the left frontal bone, lateral wall or orbit to which the counsel for the applicant argues that the said CT Scan was done after nine days and seeing in two to the earlier medical report, the said injury cannot co-relate with the offence in question. As regards the criminal antecedents, the same have been explained in para 18 and no case is said to be pending against the applicant.

5. Learned counsel for the informant and the learned AGA oppose the bail application by arguing that substantial injuries were caused and the injury no.2 can be co-relate with the CT Scan and thus, the applicant should not be enlarged on bail.

6. Considering the submissions made at the bar, although in the FIR, primarily only injury no. 1 and 4 were found to be grievous in nature and the other injuries were found to be simple, however, even if the argument of the counsel for the informant is accepted that the injury no.2 can be co-related to the CT-Scan, primarily there is no explanation of a long delay in CT Scan of nine days. Even otherwise, all these issues can be seen at the time of trial and there is nothing on record to indicate 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.

7. Let the applicant *Pintu @ Anil* be released on bail in aforesaid first information report number subject to his 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 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 :- 6.11.2023

VNP/-