

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47352 of 2023

Applicant :- Rakesh Jain

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Pratap Singh

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 Anand Prakash Dubey holding brief of Sri Prashant Kumar who has filed Vakalatnama on behalf of complainant. The Vakalatnama is taken on record.

2. The FIR in question was lodged alleging that the applicant along with 10-15 other persons had come to the house of the informant and on account of certain disputes, which the informant wanted to resolve, severe injury including a gun shot injury have been caused.

3. The Counsel for the applicant draws my attention to the medical report, which indicates the gun short injury in the thigh. The Counsel for the applicant also draws my attention to the statement of the victim, who stated that the victim had gone along with his son with the applicant to Uttarakhand for a tourist visit and at the hostel at Masoori, the applicant had fight with the son of the informant. Thereafter, the victim and her son come back. In the light of the said statement, the Counsel for the applicant argues that the victim had visited along with the applicant for tourism purpose, as such, there appears to be no motive for the applicant to cause the injury. The applicant has been falsely implicated. He further argues that the applicant is 62 years of age and is suffering from cancer.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the nature of injury sustained by the victim which is not on vital part, the statement of the victim that they were gone for tourism purpose and the applicant has no criminal antecedents, 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 ***Rakesh Jain*** be released on bail in FIR/ Case Crime No.486 of 2023, under Sections 147, 148, 149, 323, 307, 504, 506 IPC and Section 30(A) of Arms Act, Police Station Nai Mandi, District Muzaffarnagar 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 :- 6.11.2023

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