

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47704 of 2023

Applicant :- Sanju Yadav @ Sanjesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kumar Yadav, Mahendra Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. In terms of the FIR in question, the same was lodged against unknown persons, alleging that brother of the informant went in the morning and was attacked by some unknown persons.
3. A firearm injury was reported in the head and chest and subsequently, when the statement of the victim was recorded, he took the names of five persons, including applicant. It was stated that all the accused caught hold of the victim and the role of causing firearm injury was assigned to one Rohit Yadav alias Etwari. The only role which has been assigned to the applicant is that of catching hold. The medical report of the injured indicates two gun shot injuries on the head and chest. He further submits that no role of causing gun shot injury was attributed to the applicant. It is further submitted that applicant has no criminal antecedent, except the present one and he is in jail since 23.07.2023.
4. Learned AGA has opposed the bail application.
5. Considering the said submission and on the basis of the statement of the victim, which is on record, it is clear that the role of catching hold was assigned to the applicant. Considering the fact that the applicant has no criminal antecedent to his credit and there is nothing to demonstrate that if the applicant is enlarged on bail he shall effect the trial. In view thereof, the application is allowed.
6. Let the applicant **Sanju Yadav @ Sanjesh** be released on bail in FIR No. 539 of 2023, under sections 147, 148, 149, 307 and 34 I.P.C., P.S. Kurawali, district-Mainpuri, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the

satisfaction of 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 :- 8.11.2023

Faridul