

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47501 of 2023

Applicant :- Mahipal

Opposite Party :- State of U.P.

Counsel for Applicant :- Vipin Kumar, Jai Kishan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and Shri Sushil Kumar Mishra, learned counsel for the complainant whose vakalatnama filed today in Court is taken on record. Perused the record.

2. The FIR in question was lodged on 12.06.2023 alleging that on 07.06.2023, two persons named in the FIR came to the house of the informant and caused substantial injury. Counsel for the applicant states that on the basis of the allegations levelled, initially an NCR was reported. Subsequently, when the victim suffered miscarriage, the FIR in question was lodged.

3. He further argues that as per the medical, pain in abdomen was reported which was referred for ultrasound. Subsequently, in the sonography carried out on 07.06.2023, the fetus was seen as normal, as such, the injury no.2 was found simple in nature. Once again, ultrasound was carried out on 09.06.2023 wherein the fetus was found to be normal. Subsequently, on 11.06.2023, the victim suffered a miscarriage.

4. In the light of the medical reports in between 07.06.2023 and 11.06.2023, the submission of counsel for the applicant is that no abnormality was found and thus, the miscarriage suffered by the victim cannot be linked with the allegations contained in the FIR in question. The applicant has no criminal antecedent and is in custody since 19.09.2023.

5. Learned counsel for the informant and AGA opposed the bail application by arguing that the fetus of 18 weeks was terminated and resulted in miscarriage, however, they are unable to justify the two reports dated 07.06.2023 & 09.06.2023.

6. Considering the two reports regarding ultrasound carried out on 07.06.2023 and 09.06.2023 coupled with the fact that the applicant has no criminal antecedent, the applicant is entitled to be enlarged

on bail. In view thereof, the application is ***allowed***.

7. Let the applicant ***Mahipal*** be released on bail in FIR No.318 of 2023, under Section 313, 323, 504 IPC, P.S. Soron, District Kasganj, 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 :- 7.11.2023

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