

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47702 of 2023

Applicant :- Sewa Lal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Praveen Kumar, Onkar Nath
Vishwakarma, Satish Tripathi, Sr. Advocate

Counsel for Opposite Party :- G.A., Ashok Kumar Yadav

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that the persons named in the FIR, caused substantial injuries on account of an altercation that took place with regard to a dispute of a land.
3. The Counsel for the applicant draws my attention to the statement of the victim, who stated that all three persons caused injuries. No specific allegation was levelled against any of the accused, although in the medical report on record, a fracture is seen on the parietal bone, however, no specific role of any of the accused was assigned by the informant. The Counsel for the applicant further argues that a cross FIR was registered at the instance of the mother of the accused in which the applicant side also sustained injuries.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. On perusal of the statement itself, it is revealed that there is a dispute going on pertaining to the land in between the parties and because of that, the incident took place. As no specific role was assigned to any of the accused in terms of the statement of the victim coupled with the fact that the applicant has no criminal antecedents, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.
6. Let the applicant ***Sewa Lal*** be released on bail in FIR/ Case Crime No.451 of 2020, under Sections 323, 504, 506, 308 IPC, Police Station Kaundhiyara, District Prayagraj 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 :- 8.11.2023

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