

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47836 of 2023

Applicant :- Thakur

Opposite Party :- State of U.P.

Counsel for Applicant :- Om Prakash Singh, Ram Chandra Solanki

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.649 of 2023, under Sections 147, 323, 325, 308, 504, 506 IPC, Police Station Badhalganj, District Gorakhpur, during the pendency of trial.
3. Learned counsel for the applicant contends that the applicant is an old person aged about 65 years. General allegation has been levelled against him. It is further contended that the injuries sustained by the injured are simple in nature and nowhere it has been opined by the doctor that the injuries were dangerous to life. It is also contended that there is no mala fide intention behind the alleged incident; it has been occurred in a sudden provocation in which son of the applicant has also sustained injuries. There is no previous criminal history of the accused. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 24.09.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.
5. Considering the facts, circumstances, submissions made and also the age of the applicant but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Thakur**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 21.11.2023

Shahroz