

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49289 of 2023

Applicant :- Ravi

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Naushad

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Copy of the case diary has been produced by Shri Neeraj Kumar Sharma, learned A.G.A. The same is taken on record.

2. Heard learned counsel for the applicant and Shri Neeraj Kumar Sharma, learned AGA for the State-respondent.

3. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 378 of 2022, under Sections 394, 411 IPC, Police Station Kandhla, District- Shamli, during the pendency of trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. As per the allegations in the First Information Report, two persons including the applicant and one unknown person, are alleged to have assaulted the son of the informant. As per medical report, the injured sustained seven injuries. The injury nos. 1, 2, 3 & 5 were found simple in nature. The injury nos. 4, 6 & 7 were kept under observation and were referred to CT Scan & X-ray. No CT Scan and X-ray report are available on record. It is next contended that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injuries to the injured. The criminal history of applicant has been explained in para no. 20 of the affidavit. The applicant is in jail since 11.09.2022 and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that a vague and general role

has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injuries to the injured. Further, the applicant has remained confined for more than one year and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Ravi**, 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; and,
- (iii) shall not pressurize the prosecution witnesses.

8. 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 :- 6.12.2023

Sharad/-