

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48544 of 2023

Applicant :- Bhoora And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar, Mohit Singh

Counsel for Opposite Party :- G.A., Mohd. Ashraf Abbasi

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicants, Sri Mohd. Ashraf Abbasi, learned counsel for the informant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that the informant and his son were beaten by the accused who were six in numbers including the present two accused, which resulted in severe injuries.
3. The counsel for the applicants draws my attention to the medical report on record, which reveals as many 18 injuries sustained in the said injury report in respect of the injuries sustained by the son of the informant, he further draws my attention to the injuries sustained by the informant contained on page 37, which indicates three injuries. In the light of the said coupled with the fact that the supplementary medical which records fracture on thumb of the arm, ring finger as well as on the ankle region sustained by the son of the informant.
4. In the light of the said injuries, the counsel for the applicants argues that the said injuries cannot be termed to be on a vital part so as to attract Section 307 IPC. He further argues that applicants have no criminal antecedents and no specific allegations were levelled against the applicants in the statement of the informant and general allegations were levelled against all the co-accused.
5. The counsel for the informant, Sri Mohd. Ashraf Abbasi, on the other hand, strongly opposes the bail application by arguing that the injuries are severe in nature and the son of the informant had to be admitted in the hospital for a term of ten days. In the light of the said, he argues that the bail application deserves to be rejected

6. Learned A.G.A. vehemently opposed the bail prayer.

7. Considering the submissions made at the bar, prima facie, in terms of the medical report on record and referred above, the injuries cannot be termed to be on a vital part so as to attract ingredients of Section 307 IPC from the nature of injuries sustained, prima facie, and at the first glance, the allegations of Section 325 IPC are made out. However, these are prima facie observations for the consideration of the bail alone as in the nature of allegations, prima facie Section 307 IPC may not be made out coupled with the fact that applicants have no criminal, as such, they are enlarged on bail.

8. Accordingly, the bail application is allowed.

9. Let the applicants **Bhoora and Monu** be released on bail in FIR/ Case Crime No. 417 of 2023, under Sections 147, 148, 149, 323, 307, 34 P.S. Bilari, District Moradabad, on their 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 applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and

(c) The applicants 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 :- 9.11.2023

S.A.