

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48731 of 2023

Applicant :- Ravindra And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Kuldeep Singh Chahar

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Kuldeep Singh Chahar, learned counsel for the applicants and Sri Ajeet Kumar Madhesiya, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 122 of 2023, under Sections 147, 148, 302, 392, 120B, 34 IPC, Police Station Shergarh, District Mathura during pendency of the trial.
3. FIR of the present case was lodged against 14 persons including applicants and according to the FIR on 30.04.2023 at about 7.00 AM in the morning when uncle of the informant coming back to his village then on the way, applicants and other accused persons intercepted him and assaulted him through iron rod and hammer.
4. Learned counsel for the applicants submitted that from the perusal of the FIR, it reflects that informant of the case is not an eye witness and when the statements of alleged eye witnesses were recorded during investigation then they stated that on the exhortation of applicant no. 1, applicant no. 2 and three others made assault upon the deceased through wooden stick, rod and hammer.
5. He next submits that there is no allegation against applicant no. 1 that he caused any injury to the deceased, however, there is allegation that applicant no. 2 alongwith others caused injury to the deceased but only general allegation has been leveled against him. He next submits that even co-accused persons, who alleged to have caused injury to the deceased alongwith applicant no. 2, have already been released on bail and their bail orders have been annexed alongwith the instant bail application. He further submits that case of applicant no. 2 is at par with them.
6. Per contra, learned AGA although, opposed the prayer for bail

but could not dispute the argument on facts advanced by learned counsel for the applicant.

7. I have heard learned counsel for the parties and perused the record of the case.

8. Considering the fact that only role of exhortation has been attributed to the applicant no. 1 and however, role of causing injury to the deceased has been assigned to applicant no. 1 alongwith co-accused Keshav, Rajendra and Kishan but co-accused Keshav, Rajendra and Kishan, all three have already been enlarged on bail by co-ordinate Benches of this Court, in my view, applicants are also entitled to be released on bail.

9. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

10. Let the applicants - **Ravindra** and **Raghunath Singh @ Gajjo** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicants shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicants shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicants shall not indulge in any criminal and anti-social activity.

11. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicants.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 23.11.2023 / KK Patel