

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49442 of 2023

Applicant :- Paras

Opposite Party :- State of U.P.

Counsel for Applicant :- Sundeep Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.

2. The present application under Section 439 Cr.P.C has been filed seeking bail in Case Crime No.474 of 2022 under Sections 307, 34 Indian Penal Code, 1860 Police Station Lisari Gate District Meerut.

3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to ulterior motive. It is alleged that the applicant along with his brother assaulted the injured with ustara. It is further submitted that as per the statement of the injured the present applicant caught hold of the injured and the co-accused Ankit assaulted him. Four injuries are said to have been sustained by the injured out of which three injuries are opined to be simple in nature. It is further submitted that the injured is alleged to have been admitted at P.L Sharma hospital then to medical college, Meerut and thereafter to Anand Hospital, however, there is no evidence on record to show that

the applicant was admitted at P.L. Sharma hospital. Co-accused Ankit is mentally ill and has been admitted at Mental Hospital, Varanasi by the jail authorities. Initially the mother of the applicant was also implicated in the instant case, however, during investigation no case is found against the mother. Ustra is recovered from the pocket of the Ankit. Nothing has been recovered from the possession of the present applicant. The applicant has no criminal history apart from the instant case and is languishing in jail since 14.08.2022, in case he is enlarged on bail he will not misuse the liberty of bail and will cooperate with the trial.

4. On the other hand learned A.G.A has opposed the application for bail and submitted that grievous injuries are caused by the applicant to the injured. Learned A.G.A has referred to the statement of independent witnessess who were present at the spot to show that both the accused assaulted the injured with ustara and grievous injuries is caused to the injured, hence opposed the bail application.

5. Considering the facts and circumstances of the case and the fact that the applicant and co-accused assaulted the injured with ustara, grievous injuries were sustained by the injured on his head, chest and neck which are the vital part of the body, according to the medical report injury No.1 was cut deep to the

spine overlying muscles with multiple bleeders which were ligated external irregular view was cut with bleeding through it, it was ligated, internal jugular view and carotid entry were visible in wound with no overlying tissue left side sternomastoid and trapezius muscles were cut which were repaired, homeostasis done, upper part of this wound overlying scalp was going deeply upto bone which was having sharp fracture line, lower part of this wound overlying emterious chest wall was soft tissue deep, homestasis done and wound closed by stitches, injury No. 2 was an incised wound of about 5" length and about 1.5. cm wide present over left side of face above mandible upper border soft tissue deep, freshly bleeding, margins are sharp, injury no. 3 an incised wound of about 3.5" length present over perterolateral part of neck muscle deep freshly bleeding, joining injury CD, injury no.4 in incised wound of about 2.5" length 1 cm wide present over left lateral part of neck about 1.5. cms below. Injury No. 1, soft tissue deep margins sharp.

6. It is also revealed from the FIR itself that co-accused Ankit was a drug addict and when the injured forbade him from doing so, the applicant and co-accused Ankit assaulted the the injured, it is also apparent from the record that co-accused Ankit was sent to Mental Hospital, Varanasi, medical report and the statement of injured corroborate the prosecution case, when the

recovery of blood stained ustara was made from the pocket of the co-accused Ankit.

7. In view of the above discussions, this Court do not find any good ground to enlarge the applicant on bail.

8. The bail application is accordingly, rejected at this stage.

(Renu Agarwal,J.)

Order Date :- 21.11.2023

Nadeem