

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49073 of 2023

Applicant :- Anand Kumar And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilesh Kumar,Vishal Jaiswal

Counsel for Opposite Party :- G.A.,Shabana Nizam

Hon'ble Umesh Chandra Sharma,J.

1. Counter affidavit filed today is taken on record.
2. Heard Sri Akhilesh Kumar, learned counsel for the applicant, Ms. Shabana Nizam, learned counsel for the informant as well as learned A.G.A. for the State and perused the record.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 60 of 2021, under Sections 147, 148, 149, 307, 354, 452, 379, 427, 336, 323, 504, 506, 325 I.P.C., Police Station- Chauri, District- Bhadohi, during the pendency of the trial.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case due to ulterior motive. It is contended that it is a counter blast case which has been lodged after the F.I.R. of the applicants' side i.e. Case Crime No. 59 of 2021 against the informant and other persons and only to escape from the criminal liability the present F.I.R. has been lodged against the applicants. The injuries which are stated to have been received by the injured persons, are simple in nature. As a matter of fact, in the alleged incident both the sides have received injuries and the informant's side was the aggressor. No specific role has been assigned to the applicants nor any incriminating article has been recovered from the possession of the applicants. The criminal history of the applicants have been explained in para 20 of the affidavit. The applicants is in jail since 25.10.2023, in case they are enlarged on bail, they will not misuse the said liberty.
5. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant submitted that the accused Chandan Saroj, has time and again threatened the informant of dire consequences in case he does not

withdraw the cases lodged against him. In this regard an application u/s 156(3) Cr.P.C. has also been moved by the informant which has been allowed and S.H.O. has been ordered to register F.I.R.

6. Having regard to the submissions made above and the fact that the applicants have remained confined for one and half month more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper 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- **Anand Kumar** and **Chandan Saroj**, involved in aforesaid case be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

- (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;
- (iv) shall appear before the S.H.O. concerned on any day of the first week of every month till the further order of the trial Court.

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
S.Verma