

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48999 of 2023

Applicant :- Ravi @ Aryan Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Shukla

Counsel for Opposite Party :- G.A.,Saurabh Shukla

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.607 of 2023 under Sections 307, 504, 506 IPC Police Station Khorabar District Gorakhpur.

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. As per the FIR, prior to the incident the applicant Ravi Kumar and one co-accused Manish threatened the son of informant to crush him by motorcycle and both the accused and two other unknown persons assaulted the injured with knife. It is also submitted that there is no injury to the injured caused by knife as per the medical report. It is also submitted that injuries No. 1 and 4 were stitched wounds and as per the CT Scan report no abnormality have been detected. The doctor opined that he cannot disclose the weapons used in this crime as stitched wounds were found. Apart from the instant case the applicant has criminal history of one more case which

is explained in paragraph-22 of the affidavit filed in support of the bail application. Identically situated co-accused Badku alias Arvind Yadav and Vikas Kumar have already been enlarged on bail by co-ordinate Bench of this Court in Criminal Misc. Bail Application Nos.48331 of 2023 and 48456 of 2023 vide order dated 28.11.2023 and 06.12.2023 respectively. The applicant is seeking parity in relief granted to the aforesaid co-accused. The applicant is languishing in jail since 01.09.2023, in case he is enlarged on bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

4. On the other hand, learned counsel for the informant has submitted that serious injuries have been caused by the applicant to the injured, however, on the pointed query he could not disclose as to who provided the first aid treatment to the injured and as to who provided stitches on the wounds of the injured. Learned AGA has also opposed the prayer for bail and submitted that the statement of doctor is not on record.

5. Considering the facts and circumstances of the case and taking into account that general allegations have been levelled against the applicant, no specific allegation is made against the present applicant, no weapons used in the assault has been recovered from the applicant, injury report do not specify the weapons used in the assault, identically situated co-accused Badku alias Arvind Yadav and Vikas Kumar have already been

enlarged on bail by co-ordinate Bench of this Court in Criminal Misc. Bail Application Nos.48331 of 2023 and 48456 of 2023 vide order dated 28.11.2023 and 06.12.2023 respectively and without expressing any opinion on the merit of the case, it would be appropriate to enlarge the accused-applicant on bail.

6. The bail application is allowed.

7. Let applicant Ravi @ Aryan Chauhan be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the

court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The applicant shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(vi) The applicant shall also give an undertaking to the effect that he will not change his address without prior intimation to the trial court concerned.

(Renu Agarwal,J.)

Order Date :- 13.12.2023
Nadeem