

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50601 of 2023

Applicant :- Ravi

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Bhajan Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Sri Lalit Kumar Shukla, Advoate, has entered appearance and filed his Vakalatnama on behalf of the informant. It is taken on record.

2. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State, and Sri Lalit Kumar Shukla, learned counsel for the informant.

3. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 121 of 2023, under Sections 147, 148, 323, 325, 506, 307, 308, 34 IPC, Police Station Mant, District Mathura, during the pendency of trial.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. As per the allegations in the first information report, six persons including the applicant are alleged to have assaulted five persons. The injuries of three persons are simple in nature. The injured Bhudev and Asha Devi received single injury on their head. In the statement of injured Asha, no specific role has been assigned to the applicant. The statement of Bhudev has not been recorded by the Investigating Officer. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the offender, who caused the head injury on both the injured. It is next contended that it is a cross case. The applicant has also lodged an FIR against the informant and others on 12.08.2023, registered as Case Crime No. 180 of 2023, under Sections 452, 307, 323, 504, 506 IPC, Police Station Mant District Mathura. Both sides have received injuries. The aggressor is still to be ascertained. It is also contended that identically placed co-accused Amrit @ Amrit Lal has been granted bail by this Court in Criminal Misc. Bail

Application No. 41502 of 2023, Amrit @ Amrit Lal v. State of U.P., vide order dated 12.10.2023. The applicant claims parity. The applicant is in jail since 30.07.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the offender, who caused injury on the head of both the injured. Further, there is a cross version of the incident. Both sides have received injuries. The applicant has no criminal antecedents. Identically placed co-accused Amrit @ Amrit Lal has been granted bail by this Court. The applicant has no criminal antecedents. Further, the applicant has remained confined for almost three months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper 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- Ravi, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

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 :- 28.11.2023

SKT/-