

Court No. - 80

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12791 of 2023

Applicant :- Rajendra And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Amit Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Chandra Sharma,J.

This criminal misc anticipatory bail application was nominated by the Hon'ble Chief Justice.

Heard learned counsel for the applicants as well as learned A.G.A. for the State and perused the material placed on record.

This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.145 of 2022, under sections 147, 148, 323, 504, 506, 452, 427, 308, 325 I.P.C., Police Station Nagar, District Basti.

It is submitted that in this case applicants are members of the same family and there is allegation of *Maar Peet* against the applicants with the informant side. It is further submitted that no any specific role has been assigned to any of the applicants except general role. It is further submitted that regarding the same incident cross-case was also got registered on the part of present applicants against the informant side for committing *Maar Peet*. The injuries said to be caused were found during medical examination, simple in nature, therefore no case u/s 308 I.P.C. is made out against the applicants. The applicants side also sustained injuries in the same incident those are grievous in nature. It is further submitted that co-accused Suman has already been granted bail by this Court in Criminal Misc. Anticipatory Bail Application No. 13331 of 2022 vide order dated 11.04.2023 and the case of the present applicants are on similar footing. The applicants are under apprehension of imminent arrest in case, the applicants are released on bail, they would not misuse the liberty of bail.

Learned A.G.A. opposed the prayer for anticipatory bail and urged that after investigation charge sheet has been submitted against the applicants also and all the offences said to be committed by them are punishable with sentence less than 7 years regarding which there may be no apprehension of arrest

by the police.

Considering the facts and circumstances of the case, submissions made by learned counsel for the parties and perusal of record and the fact that co-accused Suman has already been granted bail by this Court and the case of the present applicants are on similar footing, therefore the applicants are also entitled to be released on anticipatory bail in this case.

In the event of arrest of the applicants- **Rajendra, Kanhaiya, Krishna and Karishma** shall be released on anticipatory bail on furnishing a personal bond of Rs. 25,000/- with 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 learned court/police officer concerned everyday whenever required.

(ii) The applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the Court or to any police office;

(iii) The applicants shall not leave India without the previous permission of the Court and if they have passport, the same shall be deposited by them before the S.S.P./S.P. concerned.

In default of any of the conditions, this order will automatically stand vacated.

Order Date :- 30.11.2023
Suraj Srivastav