

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50052 of 2023

Applicant :- Balveer

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhilasha Singh, Ashutosh Yadav, Shyam Lal

Counsel for Opposite Party :- G.A., Pankaj Satsangi

Hon'ble Sameer Jain, J.

1. Shri Pankaj Satsangi, Advocate has filed his power on behalf of the informant in Court today, which is taken on record.
2. Heard Ms. Abhilasha Singh, learned counsel for the applicant, Sri Pankaj Satsangi, learned counsel for the informant and Dr. S.B. Maurya, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.151 of 2023, under Sections 147, 323, 504, 307, 302 IPC, Police Station Dhanari, District Sambhal, during pendency of the trial in the court below.
4. FIR of the present case was lodged against the applicant and five others and according to the FIR on 7.7.2023 at about 5 pm in the evening when brother of the informant Layak and Ramjimal were returning to their village from station then on the way applicant and other accused persons intercepted them and assaulted with lathi and danda and due to the assault

made by them both sustained injuries.

5. Learned counsel for the applicant submits that initially FIR of the present case was lodged under section 147, 323, 504 and 307 IPC but after the death of one injured Layak case was converted under section 302 IPC.

6. She further submits that initially only general role has been attributed to all the accused including applicant but subsequently during investigation when the statement of injured Ramjimal was recorded by the Investigating Officer then he stated that applicant caused injury to him and he attributed the role of causing injury to the deceased to other three accused persons therefore, even as per the injured, applicant did not cause any injury to the deceased.

7. She further submits that co-accused Dharampal @ Deepa has already been released on bail by this Court vide order dated 01.11.2023 passed in Criminal Misc. Bail Application No.46075 of 2023.

8. She further submits that applicant is having no criminal history and he is in jail in the present matter since 18.8.2023.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the fact that role of causing injury to the deceased has not been assigned to the applicant and applicant assigned the role of causing injury to the injured of the case.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Considering the fact that role of causing injury to the deceased has not been attributed to the applicant and as per prosecution, applicant caused injury to the injured of the case and is having no criminal history, in my view, applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

13. Let the applicant-**Balveer**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no

bearing on the merits of the case during trial.

Order Date :- 23.11.2023/Zafar