

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50186 of 2023

Applicant :- Gopal

Opposite Party :- State of U.P.

Counsel for Applicant :- S.P.S. Chauhan, Smt. Meenakshi Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri S.P.S. Chauhan, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 383 of 2023, under sections 452, 336, 307, 504, 506 IPC, Police Station Jawan, District Aligarh, during the pendency of trial.
3. Learned counsel for the applicant submitted that FIR has been lodged after thorough consultation. The applicant was not present at the village, at the time of incident he was at Aligarh, No looted article has been recovered from the possession of the applicant. No motive has been assigned to the applicant in the said crime. Learned counsel for the applicant has relied upon the statement of the witnesses, who are the family member have stated that the accused persons have caused the injury by iron rod. There is no other independent witness to support the prosecution version.
4. Learned counsel for the applicant further contends that in the statement of the informant, the injured and other witnesses who have stated that the applicant had hit on both the injured by iron rod, but it has not been supported by any independent witnesses. So far as the injuries are concerned, the injury of injured Vikram are simple in nature. Injured no. 1 occurred to injured Rani Devi is found to be grievous in nature and rest are found to be simple nature.
5. Learned counsel for the applicant contends that the injury No.1 of injured Smt. Rani are fatal. There is no previous criminal history of the applicant. It is lastly contended that

the applicant is in jail since 21,09.2023. There is no likelihood of his abscondence or tampering with the evidence. In case the applicant is enlarged on bail, he will not misuse the said liberty.

6. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant, **Gopal**, involved in the aforesaid case crime 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;

(iii) shall not pressurize the prosecution witnesses.

9. 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 :- 14.12.2023

RPD