

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50377 of 2023

Applicant :- Dharmendra

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhaskar Bhadra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No.473 of 2023, under Sections 307 and 506 of I.P.C, Police Station Aonla, District Bareilly during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. As per the medical report, the injured sustained three injuries. The injury nos. 2 and 3 were found simple in nature. The injury no. 1 was referred for x-ray examination. As per the report of the radiologist, no bony injury was seen. It is contended that the applicant did not have any intent to kill the injured. The applicant is in jail since 02.10.2023, having no criminal history and if he is released on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the injuries sustained by the injured were found simple in nature. At this stage, there is no substantive evidence that the applicant had any intention to kill the injured. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for two months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Dharmendra**, 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 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.

7. 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 :- 2.12.2023
Sachin Mishra