

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50682 of 2023

Applicant :- Satya Prakash @ Chhanti

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Kumar Mishra,P.K. Singh

Counsel for Opposite Party :- G.A.,Abrar Alam,Sunil Kumar Dubey

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri P.K. Singh, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State, Sri Sunil Kumar Dubey, learned counsel for the informant 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.127 of 2023, under Sections 323, 324, 325, 504, 506, 308 IPC, Police Station Iradat Nagar, District Agra, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that there is delay of four days in lodging the FIR for which no plausible explanation has been given by the prosecution. It is also contended that the general role has been assigned to all of the accused persons including the applicant. There are two injured persons out of which Smt. Priyanka has received injuries on hand like non-vital part of the body. So far as the injuries of the injured, Mukesh is concerned, initially the doctor found some of them to be dangerous to life as a fracture on the parietal region of head thereafter on the application of the accused a board was constituted which found no fracture or hematoma on which basis learned counsel for the applicant contends that even no case under Section 308 IPC is made out. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 28.10.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the

case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Satya Prakash @ Chhanti**, 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.

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 :- 11.12.2023

Shahroz