

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50734 of 2023

Applicant :- Sachin

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Shukla, Awadhesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Manoj Singh holding brief of Sri Sanjay Shukla, 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.433 of 2023, under Sections 307, 323 IPC, Police Station Loni Border, District Ghaziabad, during the pendency of trial.
3. Learned counsel for the applicant contended that the applicant who has no previous criminal antecedents to his credit has been assigned general role in commission of the alleged crime though a role that he hit the leg of the injured by iron rod has been assigned to him. As per injury report, injury nos.3 to 10 are simple in nature. Learned counsel further contends that so far as the injury nos.1 and 2 is concerned admittedly it has not been caused by the applicant. There is no likelihood of abscondence or tampering with the evidence. He is in jail since 23.09.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail. However, he could not 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 - **Sachin**, 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 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