

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51148 of 2023

Applicant :- Umesh @ Dinesh @ Mallu Yadav And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Dinesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Dinesh Kumar Pandey, learned counsel for the applicants, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
3. Applicants seek bail in Case Crime No.0019 of 2023, under Sections 323, 504, 506, 308 IPC, Police Station Nautanwa, District Maharajganj, during the pendency of trial.
4. As per prosecution case, the applicants along with co-accused person Rakesh have assaulted the informant on 18.01.2023.
5. Learned counsel for the applicants has argued that the applicants are absolutely innocent and have been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. In the FIR, no time of offence is mentioned although FIR is instituted on the same day at about 01:35 p.m. Learned counsel has further submitted that the role of assaulting the injured/informant have been assigned to the co-accused Rakesh. As such, the case of the applicant is at a different footing to the main accused person Rakesh. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at length. It is further stated that there is no criminal history of the applicants. The applicants are languishing in jail since 02.11.2023. In case, the applicants are released on bail, they will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application.
7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the

evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicants have made out a case for bail. The bail application is allowed.

8. Let the applicants- Umesh @ Dinesh @ Mallu Yadav and Sant Ram, who are involved in aforementioned case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicants shall not tamper with evidence.

(ii) The applicants shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicants is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 30.11.2023

Priya