

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51437 of 2023

Applicant :- Nikhil Pal @ Arun Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Upadhyaya

Counsel for Opposite Party :- G.A.,Udai Prakash Deo Pandey

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Anurag Upadhyaya, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State, Sri Udai Prakash Deo Pandey, learned counsel who has put in appearance on behalf of the informant and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.294 of 2022, under Sections 147, 148, 149, 307/34 IPC, Police Station Kerakat, District Jaunpur, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case due to ulterior motive. It is also contended that there is criminal history of one case under Section 420 IPC against applicant in which he has been falsely implicated; later on he has been implicated in three cases from which except one case registered under the Gangsters Act, in rest two cases the applicant has been enlarged on bail. It is further contended that the statement of the victim has not been recorded upon which learned AGA contends that due to injury in temporal region of the head, the statement of the injured has not been recorded, however the applicant is not named in the FIR. The informant has not named the accused as one of the assailants. However, the name of the applicant finds place in the statement of the injured's mother according to which the applicant was also one of the assailants of the injured.

4. From perusal of the injury report it transpires that there is only one fire arm injury and it has not been established that who is the author of such injury, thus the general role has been assigned to the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 26.08.2022. In case the applicant is released on bail, he will not misuse the said liberty.

5. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects could not be disputed by him.

6. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.

7. Let the applicant - Nikhil Pal @ Arun Pal, 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.

8. 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 :- 12.12.2023

Shahroz