

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13742 of 2023**

Applicant :- Shahzad

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Syed Riyaz Askari

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Syed Riyaz Askari, learned counsel for the applicant, Sri Asfaq Mohd. Ansari, learned counsel for the informant and Sri Shakil Ahmad, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.97 of 2023, under Sections 323, 325, 452 I.P.C., Police Station Chapar, District Muzaffar Nagar, during the pendency of trial.
4. As per prosecution story, the applicant and three other named accused persons are stated to have come to the house of the informant branding lathi and danda and are stated to have barged into his house and assaulted his son causing grievous injuries to him. The informant was busy in the treatment of his son who was admitted in the hospital, as such had instituted the FIR on 13.4.2023.
5. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. The FIR is delayed by about six days and there is no explanation of the said delay caused. Learned counsel has further stated that all the injuries are simple in nature except one injury that too not on vital organ, i.e. fracture of right hand metacarpal bone of middle finger. The allegations have been inflated. Learned counsel has stated that there are general allegations against all the accused persons. The applicant has no criminal history to his credit, as such he is entitled for anticipatory bail.
6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that applicant and three other co-accused persons are named in the FIR and the delay has been

explained in the FIR itself, thereby it was the paramount duty of the informant to first save the life of his son and then lodge the FIR. The treatment of the injured person has been undertaken at government hospital and the son of the informant was admitted on 7.4.2023 at 10.30 p.m., the same night. Learned counsel has further stated that the twelve injuries sustained by the injured person indicate towards the complicity of the applicant and other co-accused persons.

7. After hearing learned counsel for the parties as well as learned A.G.A. and taking into consideration the injuries sustained by the injured person, I do not find it a fit case for grant of anticipatory bail to the applicant.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 12.12.2023

Vikas

[Krishan Pahal, J.]