

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 110 of 2023

Applicant :- Siraj

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Satyam Singh, Parmanand Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Parmanand Gupta, the learned counsel for the applicant, Sri Manish Kumar Pandey, the learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.500 of 2022, under Section 307 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.07.2022 against two persons, including the applicant alleging that on the basis of information received from a mukbhir a police party had intercepted a motorcycle. The person riding on the pillion seat of the motorcycle started firing towards the police team. A Sub Inspector fired shot in his self defence causing a bullet injury in the applicant's leg. The other co-accused person driving motorcycle escaped and he was implicated on the basis of custodial statement of the applicant. A pistol and a used cartridge were recovered from the applicant and four live cartridges were recovered from a bag being carried by him along with some stolen articles and other items in commission of theft, however, the alleged recovery has not been witnessed by any independent person.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in

31 other cases has been disclosed in para 12 of the affidavit and the learned counsel for the applicant has submitted that the applicant has been granted bail in 11 cases. The applicant is languishing in jail since 30.07.2023 and as per the learned counsel for the applicant even charges have not been framed till date.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the only person who has received injury in the incident is the applicant himself; that independent person has witnessed the alleged recovery made from the applicant and the applicant is languishing in jail since 30.07.2022 without any progress in the trial and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant-Siraj** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 1.12.2023
Ram.