

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2051 of 2021

Applicant :- Saif

Opposite Party :- State Of U.P. And Anr.

Counsel for Applicant :- Lalji Yadav, Sarvesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shailendra Pratap Singh holding brief of Sri Lalji Yadav, the learned counsel for the applicant as well as Smt. Parul Kant, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in Case Crime No. 383 of 2020, under Sections 188, 147, 148, 452, 307, 323, 504 & 506 IPC, Police Station Salon, District Raebareli.

3. The aforesaid case has been registered on the basis of an FIR lodged on 26.07.2020 against five persons, including the applicant, alleging that the accused persons had entered the informant's house and assaulted the informant's elder brother with an axe, causing a serious injury on his head.

4. The State has filed a counter affidavit opposing the anticipatory bail application and copies of material collected during investigation have been annexed with the counter affidavit. The injured persons have supported the FIR allegations and the doctor, who had conducted medico legal examination of the injured person, has been examined, who has stated that the injury was grievous in nature.

5. The applicant was granted interim anticipatory bail by means of an order dated 17.02.2021.

6. Co-accused Azad has been granted bail in the present case by means of an order dated 22.01.2021 passed by this Court in Bail Application No. 10974 of 2020.

7. Anticipatory bail application of co-accused persons Mohd. Faheem, Kaif and Babloo has been rejected by this Court.

8. Having considered the facts and circumstances of the case

and keeping in view the nature of allegations, which is of committing an offence under Section 307 IPC by causing a grievous injury on the head of a person and that the anticipatory bail application of three co-accused persons has been dismissed, the present anticipatory bail application is also ***dismissed***.

9. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 5.12.2023

Pradeep/-