

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3366 of 2023

Applicant :- Yusuf @ Aanshu

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

Counsel for Applicant :- Smriti

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No.622 of 2022, under Sections 323, 504, 307 I.P.C., Police Station Pihani, District- Hardoi.

It is argued by the learned counsel for the applicant that as the sister of the applicant was enticed away by the injured, due to this enmity, the applicant has been falsely implicated in the present case. As per the injury report, the injured was referred to KGMU. The injury was kept under observation but neither any supplementary report or any report of KGMU is placed before the court. A single gun shot injury is found on the back of the injured regarding which no opinion of the KGMU is placed before the court. The applicant is languishing in jail since 12.10.2022, hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that the gun shot injury was caused with the intention of causing the death of the injured. The injury has been sustained on the lower chest of the victim. The statements of the doctors are on record.

From the perusal of the record, it is found that the sister of the applicant had eloped with the injured and she had also deposed in favour of the injured. On the basis of this enmity, the applicant is said to have fired at the injured. As per the injury report one single fire arm injury is found on the back of the lower part of the chest of the injured. The injured is said to have referred to KGMU and his single fire arm injury was kept under observation but no supplementary report or the report of KGMU has been placed before the court. The injured as per his statement is reported to be fit now. The applicant is languishing

in jail since 12.10.2022.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case of bail.

The bail application is allowed.

Let the applicant Yusuf @ Aanshu who is involved in aforesaid 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 following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 6.12.2023

Gss