

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3993 of 2023

Applicant :- Suresh Kotedar

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

Counsel for Applicant :- Ajay Kumar Tripathi, Arvind Kumar, Meva Lal Yadav, Vijay Kumar

Counsel for Opposite Party :- G.A., Ajeet Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arvind Kumar, learned counsel for the applicant; Ms. Ankita Tripathi, learned A.G.A. for the State as well as Sri Ajeet Kumar Singh, learned counsel for the informant/complainant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 79 of 2023, under Section 307 I.P.C. registered at Police Station- Sandi, District- Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.02.2023 against the applicant and an unknown person, stating that because of an old animosity between the parties, the applicant, who was riding on the pillion seat of a motorcycle being driven by an unknown person, had shot at the informant's son with intention to kill him and the bullet hit on the left arm on the informant's son.

4. The medico legal examination report of the victim mentions two lacerated wounds of sizes 2cm X 1.5cm and 5.5cm. X 3cm present on left arm. The report mentions that the weapon used could not be ascertained. His X-ray examination shows multiple radio opaque shadows of metallic density in lower half part of left arm.

5. In the affidavit filed in support of bail application it has been stated that on 30.12.2022, the applicant's daughter-in-law had lodged an F.I.R No.518/2022 alleging molestation by the informant's son. On 30.12.2022 itself, an F.I.R No.519/2022 was lodged by the daughter-in-law of the informant against the applicant and his sons alleging molestation and assault by the accused persons.

6. The learned A.G.A. has opposed the prayer for bail and he has submitted that a country made pistol of 12 *bore*, a live cartridge and an empty cartridge were recovered on the pointing out of the applicant, but the recovery memo states that the recovery has been made from an open place, from amongst some bushes near mustered field and no independent person has witnessed the recovery.

7. Having considered the aforesaid facts and circumstances of the case, it appears that there is an old animosity between the parties.

8. The medico legal examination report mentions two lacerated wounds above left elbow joint whereas the X-ray report mentions shadows of radio opaque metallic density rounded and irregular shape substance present in lower part of left arm, which cannot be reconciled.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 21.02.2023 without absolutely 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.

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

11. Let the **applicant- Suresh Kotedar** 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.

(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023
Gurpreet Singh