

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4378 of 2023

Applicant :- Chandra Prakash Gautam

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

Counsel for Applicant :- Abhishek Srivastava, Adil Aziz Khan, Ajeet Kumar Singh, Amit Kumar, Bajhul Quamar Siddiqui, Suraj Bhan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Rejoinder affidavit has been filed on behalf of the applicant which is taken on record.
2. Heard Sri Ajeet Kumar Singh, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the record.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 70 of 2023, under Section 295A I.P.C. and Section 7 of Criminal Law Amendment Act, registered at Police Station Mitauli District Lakhimpur Kheri.
4. The aforesaid case has been registered on the basis of F.I.R. lodged on 12.02.2023 alleging that during religious preachings in front of the informant's home in the village, the applicant had made objectionable comments against deities of Hindu religion.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case.
6. The State has filed a counter affidavit annexing therewith copies of statements recorded during investigation. The

witnesses have supported the F.I.R allegations.

7. A rejoinder affidavit has been filed on behalf of the applicant stating that an F.I.R No.65 of 2022 was lodged from the applicant's side for commission of offences under Section 147, 148, 308, 323, 504, 506 I.P.C and Section 3(1)(da), 3(1)(dha) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against six persons, stating that during a religious event, six named accused persons had attacked the applicant and other persons causing serious injuries to several persons.

8. The applicant's involvement in another case bearing Case Crime No. 236/2018, under Section 323, 325, 504 I.P.C., Police Station Tadiyawan, District Hardoi has been disclosed in para 13 of the rejoinder affidavit filed in support of the bail application, in which he has already been granted bail.

9. The learned counsel for the applicant has submitted that the present bail has been lodged as a counter blast action to the aforesaid F.I.R lodged from the applicant's side. He has further stated that the offences alleged carry a maximum punishment upto three years. The applicant is languishing in jail since 13.02.2023.

10. Having considered the aforesaid facts and circumstances of the case and without making any observations 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.

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

12. Let the applicant- **Chandra Prakash Gautam** 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 the 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 :- 26.10.2023
Preeti.