

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5120 of 2023

Applicant :- Santosh Yadav

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

Counsel for Applicant :- Rajesh Kumar Tiwari, Bharat Kumar Dixit, Narvind Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bharat Kumar Dixit, the learned counsel for the applicant, Sri Arpit Kumar the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in an FIR bearing Case Crime No. 65 of 2023, under Sections 323, 504, 506, 308, 325 IPC, Police Station Bachhrawan, District Raebareli.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.02.2023 against three persons, including the applicant, alleging that the applicant had assaulted with stick on the head of the informant's wife and when some persons tried to intervene, all the accused persons had assaulted them causing serious injuries to them.
4. In the statement of the injured witnesses, similar allegations were levelled against all the accused persons.
5. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and the applicant and two other persons from his side have received injuries in the incident and copies of their injury reports have been annexed as Annexure Nos. 9 & 10 to the affidavit filed in support of the application.
6. A supplementary affidavit has been filed on behalf of the applicant disclosing his involvement in Case Crime No 554 of 2004, under Sections 323, 325, 504 IPC, Police Station Bachhrawan, District Raebareli.
7. Learned counsel for the applicant has submitted that co-accused person Rinku alias Rohit has been granted bail by means of an order dated 26.04.2023 passed by the Sessions

Judge, Raebareli.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that all the injured persons have levelled similar allegations against all the accused persons; that the applicant himself and his wife have received injuries in the incident and a co-accused person has been granted bail and that the applicant is languishing in jail since 25.02.2023 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 applicants on bail in the aforesaid crime.

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

11. Let the applicant-***Santosh Yadav*** be released on bail in Case Crime No. 65 of 2023, under Sections 323, 504, 506, 308, 325 IPC, Police Station Bachhrawan, District Raebareli 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 26.10.2023

Pradeep/-