

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5228 of 2022

Applicant :- Salman

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

Counsel for Applicant :- Srees Kumar Srivastava, Pawan Kumar Nigam, Ram Babu Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms Mahak holding brief of Sri Ram Babu Singh, learned counsel for the applicant, Sri Virendra Kumar, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.713 of 2021, under Sections 323, 324, 307, 504, 506 I.P.C., registered at Police Station Kotwali, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.09.2021 against four persons, including the applicant, stating that while the informant's sister was alone in the house, accused persons, who are her husband, brothers-in-law, came there, asked her to accompany them to her matrimonial home and upon her refusal, assaulted her with kicks and fists and knife.
4. Injury form of the victim mentions two incised wounds on her chest and abdomen. Injury slip issued by G.S.V.M. College, Kanpur mentions that the victim was admitted to the hospital on 12.09.2021. She was having multiple stab wounds on her chest and a surgical operation was carried out on 12.09.2021 and she was discharged on persistent requests on 15.09.2021.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

6. The State has filed a counter affidavit opposing the bail application and a copy of the statement of the victim recorded by the investigating officer has been annexed with the counter affidavit wherein she stated that she had got married with the applicant about 5 years ago; that the applicant used to beat her after consuming liquor; that she had delivered a baby girl about 8 months ago and she had gone to her parents home about 15 days ago. The applicant was angry for this reason and he used to threaten the victim that in case she did not return, he would kill her in her father's home. She categorically stated that the applicant had stabbed her multiple times. Two neighbors had saved her and the applicant had run away. Statements of the neighbors have also recorded by the investigating officer, who stated that they had seen the applicant stabbing the victim.

7. A copy of the statements of the doctor, who had conducted medico legal examination of the victim and the doctor who had treated her in G.S.V.M. College, Kanpur, have been recorded by the investigating officer, both of whom stated that the victim had suffered multiple stab wounds which were grievous in nature and could be dangerous to her life.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view nature of allegations against the accused-applicant, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

9. In view of the above, the anticipatory bail application of the applicant is **rejected**.

(Subhash Vidyarthi, J.)

Order Date :- 26.10.2023
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