

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 874 of 2022

Applicant :- Ganga Chauhan @ Gangaram

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

Counsel for Applicant :- Dharmendra Pratap Singh, Akhilendra Singh, Virendra Singh

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

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dharmendra Pratap Singh, the learned counsel for the applicant and Sri Anant Pratap Singh, the learned AGA and perused the records.

2. The applicant was granted interim anticipatory bail by means of an order dated 08.06.2022 wherein it is recorded that:-

"5. The present bail application under Section 438 Cr.P.C. has been filed by the accused-applicant apprehending arrest in F.I.R./ Case Crime No.0166 of 2021 under sections 147, 148, 149, 323, 324, 307, 427, 452, 504, 506, 34 IPC, Police Station-Thangaon District Sitapur

6. Learned counsel for the applicant has submitted that wife of the applicant is elected as Pradhan and on the date of incident an open meeting of Gram Sabha was conducted and thereafter when they were departing for home, the informant and other associates assaulted them. He further submitted that from the side of the applicant 12 persons received injuries and thereafter information was given to the police and the F.I.R. No.165 of 2021 under Section 323, 504, 506, 452, 427, 147, 148, 149, 307 I.P.C., Police Station- Thangaon, District Sitapur was registered on 28.05.2021 at 12:20 a.m. He further submitted that thereafter on the written complaint of informant of the present case, F.I.R. No.166 of 2021, under Sections 147, 148, 149, 307, 323, 427, 452, 504, 506 I.P.C., Police Station- Thangaon, District- Sitapur was lodged at 01:35 a.m.. He also submitted that applicant is co-operating in the investigation and no custodial interrogation is necessary. He further submitted that the informant of the present case is having criminal antecedent, therefore, only with the intention to implicate the applicant and his family members in a false case, the incident was caused, therefore, kind indulgence of this Court is necessary.

7. Learned A.G.A. has opposed the prayer of the applicant and submitted that involvement of the applicant was found but he does not dispute this fact that F.I.R. was lodged by Babu Ram from the side of the applicant in which the informant of the present case is accused, his name is at Sr. No.12 in the list of the accused, as a result, the F.I.R. in question was lodged."

3. While granting interim anticipatory bail to the applicant, notice was issued to the opposite party no. 2 and although the opposite party no. 2 has put in appearance, no counter affidavit has been filed either by the opposite party or by the State.

4. The learned counsel for the applicant has stated that the applicant has already furnished bail bonds in compliance of the order dated 08.06.2022.

In view of the aforesaid facts the order dated 08.06.2022 is made absolute and the application stands ***allowed***.

Order Date :- 19.12.2023

Pradeep/-