

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1405 of 2023

Applicant :- Golu Singh @ Durgesh Singh

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

Counsel for Applicant :- Srees Kumar Srivastava, Gajendra
Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Saurav Verma, Advocate, holding brief of Sri Srees Kumar Srivastava, the learned counsel for the applicant as well as Sri Gyanendra Singh, learned A.G.A. appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 296 of 2022, under Sections 147, 148, 323, 504, 506, 308/34 I.P.C. and Section 7 of Criminal Law Amendment Act, registered at Police Station Makhi, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.10.2022 against eight persons, including the applicant, stating that the accused persons had waylaid and assaulted the informant and two other persons causing injuries to several persons. One of the injured persons has suffered a fractured in his skull.

4. In the statement of the injured person and other victims recorded by the Investigating Officer, stated that they have levelled similar allegations against all the accused persons.

5. The applicant's involvement in another case has been disclosed in para 23 of the affidavit filed in support of the bail application, in which he has been granted bail.

6. The learned counsel for the applicant has submitted that co-accused persons, namely, Gaurav Singh, Nandu @ Sumit Singh, Satyam Singh @ Raghvendra Singh and Lakhpati Singh @ Ankit Singh, have already been granted anticipatory bail by means of an order dated 20.05.2023 passed by the Additional Session Judge, Court No.1, Unnao and two other co-accused persons, namely, Harinendra Singh @ Dharendra Singh and Munna Singh @ Munendra Singh, have also been granted anticipatory bail by the same court by means of an order dated 19.06.2023.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R levels similar allegations against all the accused persons; that six co-accused persons have already been granted anticipatory bail and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Golu Singh @ Durgesh Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject

to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 23.11.2023

Preeti.