

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8216 of 2023

Applicant :- Narendra Sharma

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

Counsel for Applicant :- Dinesh Chandra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dinesh Chandra Singh, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A-I for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 190 of 2022, under Section 323, 325, 364 I.P.C., registered at Police Station Bazar Shukul, District Amethi.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 26.08.2022 against one Monu and two unknown person, stating that the accused persons blocked the way of the motorcycles on which the informant was riding along with one Rajkaran. The accused persons started beating the informant's son and Rajkaran ran away. The informant's son was forcibly dragged into the car and was taken away at about 4:30 pm on 26.08.2022.

4. In the affidavit filed in support of the 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.

5. The medico legal examination of the victim mentions five injuries of contusion and body pain. None of the injuries is grievous in nature.

6. In the statement of the victim recorded under Section 161 Cr.P.C, he stated that some altercation has taken between him and co-accused Monu and Monu had threatened him. He stated that he was beaten and abducted by Monu Sharma along with the Ankit Yadav and one Anshu Sharma and while the car reached near Alaknanda Apartment, a police vehicle passed by. Being afraid, the accused persons dropped him out of the car. He stated that the applicant was driving the car. It has also been submitted that the co-accused Ankit Yadav has already been

enlarged on bail by this court by means of an order dated 09.10.2023, passed in Criminal Misc. Bail Application No.1377 of 2023.

7. The state has filed a counter affidavit annexing therewith copies of material collected during investigation and a copy of the charge-sheet dated 25.12.2022.

8. The learned counsel for the applicant has submitted that the applicant is languishing in jail since 30.11.2022 without any progress in the trial.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no criminal history and he is languishing in jail since 30.11.2022 without any progress in the trial 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.

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

11. Let the **applicant- Narendra Sharma** 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 :- 28.10.2023

Ram.