

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8779 of 2023

Applicant :- Anuruddha @ Vimal

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

Counsel for Applicant :- Rama Niwas Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Ram Niwas Pathak, learned counsel for the applicant and the learned A.G.A. for the State.

2. This bail application has been filed by the applicant seeking bail in Case Crime No. 34 of 2023 under sections 323, 324 and 307 I.P.C. P.S.- Taarun, District- Ayodhya.

3. As per the version in the F.I.R., the first informant was irrigating his field on the date of occurrence. At about 6 in the evening, a person Manoj came and asked his son to company him. When the first informant asked, he said that he will return within no time. After about two hours, accused Aniruddha came and told the first informant to go and bring his son. The first informant came on the spot and found him lying unconscious, he took him immediately to C.H.C., from where he was referred to trauma centre. It is alleged in the F.I.R. that Aniruddha and Manoj had beaten him up.

4. It is contended on behalf of the of the applicant that he has been falsely implicated in this case. Initially, the F.I.R. was registered under section 323 and 308 I.P.C. and later on converted into sections 323, 324 and 307 I.P.C. wrongly. No injury dangerous to life was caused. The matter is not covered by section 307 I.P.C. The witnesses have given a twisted version of the occurrence in which facts have been added after consultation. The F.I.R. has been lodged after a delay of at least 21 days and there is no explanation for the delay. The alleged injury was caused by some other persons at some other place and the instant applicant has been named for ulterior motives. The injured was a heavy drinker, as is revealed from the statement given by Deepak Chaubey under section 161 Cr.P.C. There is no independent witness of the incident. The applicant is in judicial custody since several months.

5. The bail application is opposed by the State with vehemence on the basis of facts/circumstances and contentions as below.

- Sufficient explanation has been given for delayed filing of the F.I.R. The injured was found in a critical condition and the father of the first informant took him directly to the C.H.C. from where he was referred to Trauma Centre, Darshan Nagar. He was in a critical state therefore, his father and other family members remained busy in taking his care. When, with the assistance of expert medical care, his condition stabilized and was in position to speak, the father lodged the F.I.R. naming Aniruddha, the main accused/the applicant herein.

- The injured Ranjeet @ Ranjit has in his statement clearly stated that he was brought to the house of Aniruddha by the co-accused Manoj. His hands were caught hold of by Manoj, from behind and it was Aniruddha (the instant applicant) who inserted knife in his abdomen causing him serious injury. He started bleeding profusely and became unconscious. The accused Aniruddha stabbed him due to previous enmity.
- Medical evidence demonstrates that the peritoneum was damaged, fluid was collected inside the abdomen. He was admitted to the hospital just after the incident and he remained admitted to emergency department of Medical College Ayodhya on being referred for there. he was operated on 07.02.2023, which is described in following medical terminology:-

"Exploratory laprotomy with Primary repair of Jejunal Perforation (multiple 3) with Feeding jejunostomy"

- He was discharged on 06.03.2023 meaning thereby that he had been under intensive treatment for 35 days.
- The Doctor has given opinion that the injury was dangerous to life.
- It is further contended that the instant applicant was the one and only who stabbed in his stomach causing him nearly fatal injury.
- It is vehemently argued, that in circumstances as revealed from the material on record, it cannot be expected from the complainant side, that instead of providing medical assistance to a severely injured son, the informant shall run for filing an F.I.R. The delay in lodging F.I.R. is well explained and does not give any benefit to the applicant and he does not deserve to be released on bail.

6. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment, failure to give any good defence or explanation in his favour and all other facts and circumstances of the case, I do not find it appropriate to release the applicant on bail.

7. Accordingly, the bail application of the applicant in the aforesaid case crime numbers is hereby **rejected**.

8. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 20.11.2023

Sumit Kumar