

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9316 of 2023

Applicant :- Thakur Prasad Chauhan And Another

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

Counsel for Applicant :- Naveen Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Naveen Kumar Pandey, learned counsel for applicants and learned A.G.A. for the State.

2. The present bail application has been filed by the applicants seeking bail in case crime no. 0099 of 2023, under sections 323, 504, 506, 325, 308 I.P.C. at Police Station-Nawabganj, District-Gonda.

3. As per the version of the FIR, on account of previous enmity, four persons, who are named in the FIR, came armed with blunt weapons like 'lathi-danda' and attacked the husband of the first informant, causing him injuries.

4. It is contended on behalf of the applicants that four persons have been ascribed the role of beating the injured with blunt weapons. No particular role has been assigned to the applicants that they were the persons, who caused injuries. It is further contended that the matter pertains to offence under sections 323, 504, 506, 325, 308 I.P.C. As far as the history is concerned, it has been explained by him in the affidavit and the accused applicants are on bail in those cases. It is further contended that they have been falsely implicated in this case on account of previous enmity, as is revealed from the FIR itself.

5. The application for bail is opposed by learned A.G.A. highlighting the fact that the injuries were found grievous in nature, however it is conceded that the applicants are in custody since last more than 6 months now.

6. I considered the nature of allegation, evidence proposed and all other facts and circumstances of the case including explanatory defence offered by the applicants. In my view, a case for bail is made out.

7. Let applicants - **Thakur Prasad Chauhan** and **Jitendra Chauhan @ Chauki** be released on bail in the aforesaid Case Crime Number on their furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicants shall not temper with evidence/witnesses.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicants shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicants shall submit undertaking that they shall not change their address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. 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/*Vikram*