

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10604 of 2023

Applicant :- Rishabh Sharma @ Monu

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

Counsel for Applicant :- Dharmendra Kumar, Shree Vaibhav Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

1. Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.
2. The accused- applicant is involved in Case Crime No. 190 of 2022, under Sections 323, 325 and 364 IPC, Police Station Bazar Shukul, District- Amethi.
3. It is argued by learned counsel for applicant that there are contradictions in the version of the FIR and statements of victim/injured under Sections 161 Cr.P.C. and 164 Cr.P.C. In the statement under Section 161 Cr.P.C., it is alleged that the applicant was thrown out from the vehicle when the police vehicle passed through while in the statement under Section 164 Cr.P.C. the injured has stated that when he heard the siren of police vehicle, he opened the door and jumped out. Both the co-accused persons have been granted bail by a co-ordinate Bench of this Court. The applicant is languishing in jail since 01.11.2022. Hence the prayer for bail is made.
4. Learned A.G.A. opposed the prayer for bail of the applicant and submitted that because of the enmity the victim was thrashed at the hands of applicant and two co-accused persons. As per the statement of the doctor, there was fracture in the right knee and lower shaft ulna of the left hand of the victim.
5. Perusal of the record shows that there is allegation against the

applicant of thrashing and kidnapping the victim. Admittedly, the incident took place at 4:30 p.m. and as per the statement of the victim at 11:30 p.m. he got himself freed from the clutches of the accused persons. None of his fracture is on any vital part of the body. The applicant is languishing in jail since 01.11.2022.

6. Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

7. The bail application is allowed.

8. Let the applicant Rishabh Sharma alias Monu, who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

9. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

10. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 8.12.2023/Virendra