

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11744 of 2022

Applicant :- Suresh Verma

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

Counsel for Applicant :- Amit Kumar, Kaushal Kishore, Praveen Kumar Pandey, Shashank Shekhar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

01. Heard Shri Kaushal Kishore, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in case crime no.27 of 2022, under Sections 307 and 394 I.P.C. and 3 Explosive Substance Act, P.S. Jarwal Road, District Bahraich.

03. As per version in the F.I.R., the first informant Anand Kumar Jaiswal used to work in the Mannat Hospital. In the night between 11/12.02.2022 when he and Shamim Ahmad were sleeping inside the hospital, four unknown persons intruded therein enquiring about the doctor. Shamim Ahmad said that doctor is sleeping. One of them threw a 'SUTLI' Bomb which exploded and he was himself injured by explosion. The people made hue and cry. Shamim Ahmad sustained some injuries.

04. It is contended on behalf of the applicant that he has been falsely implicated in this case in collusion with the police. No injury of any kind caused by explosive substance was sustained by any of the persons from prosecution side. Lone injured, who was examined sustained three superficial abrasions, all caused by hard and blunt object. It is argued that the medical report belied the prosecution case and brings it within the zone of suspicion. It is further contended that the applicant is in jail since 18.02.2022. One and half years have gone since his detention. As regard his criminal history it is brought to notice of this Court that the applicant has been granted bail in all the cases cited by the prosecution as criminal history. It is further assured that the applicant shall cooperate in the trial and shall abide by the conditions imposed by this Court.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that that the applicant is in jail since 18.02.2022 i.e. last one and half years.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment, the explanatory defence offered by his contentions noted above and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Suresh Verma** be released on bail in the aforesaid Case Crime Number on his 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 applicant shall not temper with evidence/witnesses.

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

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

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

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

09. 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 :- 22.11.2023

Asha