

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1904 of 2023

Applicant :- Rakesh Verma Alias Rakesh Chaudhary

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

Counsel for Applicant :- Jyotinjay Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Jyotinjay Verma, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 108/13, S.T.N. 135/2014, under Sections 307, 325, 504 and 506 IPC, Police Station Sammanpur, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an FIR lodged on 28.07.2023 against six persons, including the applicant, alleging that the accused persons were trying to run an electricity wire through the field of the informant after cutting his trees and when the informant protested, all the accused persons attacked him and assaulted with an axe on his head. When some persons tried to save the informant, they were also assaulted with axe and sticks. After investigation, a charge sheet was submitted against four persons on 28.12.2023 and the Investigating Officer found that the allegations against the applicant could not be established. No protest petition was filed against dropping of the name of the applicant.

4. The trial court has recorded the statements of the informant Ram Murat and two injured persons, who levelled same allegations against the applicant also. Thereafter the trial court has summoned the applicant under Section 319 Cr.P.C. by means of an order dated 04.11.2019. The learned counsel for the applicant has submitted that a co-accused Amit Kumar has already been granted anticipatory bail by this court by means of an order dated 29.08.2023, passed in Criminal Misc. Anticipatory Bail Application No.194 of 2023.

5. Learned counsel for the applicant has submitted that although in the initial medico legal examination report of the informant

Ram Pher, a fracture is mentioned on temporal region, in the subsequent medico legal examination conducted by a board, there is no mention of any fracture.

6. Keeping in view the fact that initially the Investigation Officer did not find any material in support of the allegations levelled against the applicant and that the statements of the witness of fact have already been recorded by the trial court and in case of grant of protection, the applicant will not be in a position to influence the witnesses and that the applicant has no criminal history, whereas a co-accused person has already been granted anticipatory bail by this court, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Rakesh Verma Alias Rakesh Chaudhary** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023

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