

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1907 of 2023

Applicant :- Jais Kumar Tiwari

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

Counsel for Applicant :- Amrit Kumar Tiwari

Counsel for Opposite Party :- G.A.,Rajeev Mishra

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amrit Kumar Tiwari, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, learned A.G.A. for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.396 of 2022, under Sections 147, 148, 308, 324, 326, 427, 452, 504, 506 I.P.C., registered at Police Station Raunahi, District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.11.2022 against five persons, including the applicant and her family members alleging that all the accused persons carrying axe, balchak etc had entered the informant's house and attacked the informant's family members. The F.I.R. does not contain any specific allegation of causing any injury to any person by the applicant.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent and he has falsely been implicated in the present case. A supplementary affidavit has been filed on behalf of the applicant disclosing his involvement in a case bearing Case Crime No.532 of 2019, under Sections 506, 504, 452, 323, 147 I.P.C. Police Station Raunahi, District Ayodhya in which the applicant has been summoned under Sections 323, 504, 506 I.P.C. only. It is further stated in the affidavit that three persons from the side of the applicant have also received injuries, copies of their medico-legal examination reports have been annexed as Annexure 7 to the affidavit. An FIR of the incident has been lodged from the side of the applicant also on 09.05.2022, a copy whereof has been placed on record as Anneuxre-6 to the affidavit. Co-accused-Sangeeta Tiwari and Archana Tiwari have been granted anticipatory bail by this Court by means of the

order dated 02.08.2023 and 09.08.2023 passed in Criminal Misc Anticipatory Bail Application U/s 428 Cr.P.C. Nos.1707 of 2023 and 1769 of 2023, although co-accused-Sangeeta Tiwari was granted bail after taking into consideration that she is a woman suffering from Cancer. Another co-accused Vandana has also been granted anticipatory bail by this court by means of an order dated 17.08.2023, passed in Criminal Misc. Anticipatory Bail Application No.1806 of 2023

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that three co-accused persons have been granted anticipatory bail in the present case and without making any observations which may affect the outcome of the case, 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-Jais Kumar Tiwari** before the learned Trial Court in the aforesaid case crime, 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

Ram.