

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10899 of 2023

Applicant :- Rajwant

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

Counsel for Applicant :- Anurag Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anurag Singh, the learned counsel for the applicant, Sri Manish Kumar Pandey, the learned AGA-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 38 of 2021, under Sections 323, 504, 308 IPC, Police Station Thangaun, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.01.2021 against the applicant, his father and his two brothers, stating that because of a property dispute, all the accused persons had beaten up the informant and when his family members tried to intervene they were also beaten up.
4. In the affidavit filed in support of the application, it has been stated that the applicant has been falsely implicated in the present case and he is 43 years' old innocent person having no criminal history.
5. It has been submitted by the learned counsel for the applicant that all the three co-accused persons have already been granted bail in the present case by means of orders dated 28.02.2023 and 19.09.2023, passed by this Court in Criminal Misc. Bail Application No. 3038 of 2023 and 11223 of 2023 respectively.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR levels general allegations against all the accused persons and that all the accused persons have already been granted bail whereas the applicant has no criminal history and he is languishing in jail since 11.08.2023 and without making any observation, which

may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the present case.

8. Accordingly, this bail application stands **allowed**.

9. Let the **applicant-Rajwant** be released on bail in Case Crime No. 38 of 2021, under Sections 323, 504, 308 IPC, Police Station Thangaun, District Sitapur on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

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(Subhash Vidyarthi, J.)

Order Date :- 17.10.2023

Ram.