

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11282 of 2023

Applicant :- Sahwan Ali

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

Counsel for Applicant :- Prabhaat Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Prabhaat Kumar Tripathi, learned counsel for the applicant, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0596 of 2020, under Sections 147, 323, 504, 506, 336, 325, 308 IPC, registered at Police Station Kotwali Dehat, District Sultanpur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.11.2020 against five persons, including the applicant, his father and his three brothers, alleging that accused persons were illegally raising a wall on the land of the informant and when his father resisted them, they attacked informant's father with sticks and bricks, causing serious injuries to him.
4. Informant's father has received three lacerated wounds and a contusion in the incident and none of the injuries has been reported to be grievous in nature.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
6. On the last date, learned A.G.A. has pointed out involvement of the applicant in a case being Case Crime No.42 of 2018 under Sections 323, 504, 506, 354 IPC Police Station Kotwali Dehat, District Sultanpur but a copy of the FIR, statement recorded under Section 161

Cr.P.C. and a copy of the charge-sheet have been annexed with a supplementary affidavit on behalf of the applicant to establish that the applicant is not an accused in the aforesaid case.

7. An FIR No.597 of 2020 of the incident was lodged from the side of the applicant at 10:44 Hours on 12.11.2020 against 7 persons alleging that the accused persons demolished the wall and assaulted the persons resisting illegal demolition. Four persons of the applicant side received numerous injuries in the incident and copies of their medico legal examination reports have been annexed with the affidavit filed in support of the application.

8. Co-accused-Wazid Ali has been granted bail by this Court by means of the order dated 27.02.2023 passed in Criminal Misc. Bail Application No.2923 of 2023.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there appears to be a property dispute between the parties, which has given rise to the incident and FIRs have been lodged from both sides; that one person from the informant's side has received simple injuries in the incident whereas four persons from the applicant's side have also received injuries; one of the co-accused persons has been granted bail by this Court; that the applicant has no previous criminal history and he is languishing in jail since 24.08.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

12. Let the **applicant**-Sahwan Ali be released on bail in Case Crime

No. 0596 of 2020, under Sections 147, 323, 504, 506, 336, 325, 308 IPC, registered at Police Station Kotwali Dehat, District Sultanpuron 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.

(Subhash Vidyarthi, J.)

Order Date :- 11.10.2023
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