

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2616 of 2023

Applicant :- Ashish Tiwari

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

Counsel for Applicant :- Karuna Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Karuna Singh, the learned counsel for the applicant as well as Smt. Parul Kant, the learned Additional Government Advocate appearing on behalf of 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.130 of 2023, under Sections 147, 307, 308, 323, 325, 452, 504, 506, 34 I.P.C., registered at Police Station Baldirai, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.05.2023 against five persons, including the applicant alleging that because of a petty dispute regarding parking of tractor on the pathway the accused persons had beaten up the informant's brother and other family members. The applicant is said to have carrying an iron rod and to have assaulted Vimla Devi. Vimla Devi has suffered as many as eight injuries in the incident, including a fracture.

4. The learned A.G.A. has opposed the prayer and has submitted that the victim has suffered serious injuries in the incident, as such, the applicant is not entitled to be granted

anticipatory bail.

5. Having considered the aforesaid facts and circumstances of the case and the nature of allegations against the applicant and the injuries suffered by the victim, I am of the view that the applicant does not deserve discretion of this court by granting him pre-arrest bail.

6. The anticipatory bail application of the applicant is **rejected**. However, in case the applicant files bail application, the same shall be considered and decided by the court concerned without being influenced by rejection of the application by this court.

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(Subhash Vidyarthi, J.

Order Date :- 9.11.2023

Ram.