

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12955 of 2022

Applicant :- Rahul @ Shailendra Singh

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

Counsel for Applicant :- Anoop Vajpayee, Ajai Kumar Singh, Ajeet Kumar Singh, Atul Kumar Yadav, Prabhat Rathore

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ajeet Kumar Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 172 of 2022, under Section 307, 323, 452, 504 I.P.C., registered at Police Station Lonar, District Hardoi.
3. The aforesaid case has been registered on the basis of F.I.R. lodged at 17:13 hours on 05.05.2022, against five persons, including the applicant, stating that the accused persons had assaulted the informant's son at about 08:30 pm on 04.05.2022 and the applicant had fired a shot with a pistol, causing injury to the informant's son.
4. In the affidavit filed in support of the 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.
5. The F.I.R No. 171/2022 of the same incident was alleged from the applicant's side by 16:54 hours on 05.05.2022, against six persons, including the informant's injured son Muneesh, alleging assault by those persons. The applicant and another person from his side have received numerous injuries in the incident, including a fracture.
6. Although in the statement of the victim recorded under Section 161 Cr.P.C, he alleged that the shot was fired by the applicant, in his additional statement, he levelled allegation of firing against both the accused persons.

7. The learned counsel for the applicant has submitted that the applicant is languishing in jail since 02.09.2022 without absolutely any progress.

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

9. Having considered the aforesaid facts and circumstances of the case and without making any observations 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.

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

11. Let the applicant- **Rahul @ Shailendra Singh** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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 :- 16.11.2023

Preeti.