

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2372 of 2023

Applicant :- Chandra Bhan And 5 Others

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt.
Home, Lucknow And Another

Counsel for Applicant :- Vishnu Dev Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vishnu Dev Shukla, 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 Criminal Complaint No.991 of 2020, under Sections 147, 143, 323, 324 and 504 I.P.C., registered at Police Station Khandasa, District Ayodhya.

3. The aforesaid case has been registered on the basis of an application moved under Section 156 (3) Cr.P.C. filed on 30.07.2020 against the applicants and one Pawan Kumari alleging that the applicants are pattidars of the complainant and there was an old animosity and they had beaten up the complainant and her sons on 02.04.2020. The complainant was not examined medically and the medico legal examination report of her sons mentions several injuries but all of them have been opined to be simple in nature.

4. The applicants had previously approached this Court by filing an application under Section 482 Cr.P.C. bearing No.7010 of 2023 and the same was disposed of leaving it open to file an

application under Section 438 or 439 Cr.P.C. within a period of two weeks.

5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants are innocent, they have no criminal history and they have falsely been implicated in the present case.

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 incident is said to have taken place on 02.04.2020 and the complaint has been filed on 30.07.2020; that the injuries suffered by the complainant's son are simple in nature coupled with the fact that the applicants have no criminal history 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 applicants.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicants-Chandra Bhan, Durga Prasad, Sher Bahadur, Abhishek, Satya Dev @ Satyam and Vinod** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail on their 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 applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants 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 applicants shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 19.10.2023

Ram.