

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11928 of 2023

Applicant :- Kalu Chhayal @ Abhinek

Opposite Party :- State Of U.P Thru. Addl. Chief Secy. Home Civil Sectr. Lko.

Counsel for Applicant :- Onkar Nath Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Onkar Nath Tiwari, the learned counsel for the applicant as well as the learned A.G.A. 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. 365 of 2023, under Section 399, 402, 307, I.P.C. and Section 3/25 of Arms Act, registered at Police Station Rudauli, District Ayodhya.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 29.07.2023 against five persons, including the applicant, stating that when a police party had intercepted five persons, the accused persons had fired at the police party. Two persons escaped and three persons, including the applicant were arrested. It is alleged that Rs. 5,050/- were recovered from the applicant's possession and he confessed his involvement in commission of a bank robbery on 06.09.2022.

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. A supplementary affidavit has been filed by the applicant disclosing his involvement in one case being Case Crime No.172 of 2019 under Section 380/34 IPC, Police Station Neelnagar, Ujjain has been disclosed in which he has been granted bail. Co-accused Kanhaiya Lal Sisodiya has been granted bail by this Court by means of the order dated 03.10.2023 passed in Criminal Misc. Bail Application No.11630 of 2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that five persons are said to have fired gun shot at the police party but no person has received any injury in the incident 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.

7. Accordingly, this bail application stands allowed.

8. Let the applicant- Kalu Chhayal @ Abhinek 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 :- 10.10.2023
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