

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13689 of 2022

Applicant :- Brijesh

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

Counsel for Applicant :- Amit Kumar Singh, Ashish Kumar Shukla, Rajesh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rajesh Yadav, the learned counsel for the applicant as well as Smt. Parul Kant, 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. 183 of 2022, under Section 452, 323, 504, 506, 313 I.P.C., registered at Police Station Kotwali Dehat, District Sultanpur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 24.04.2022 alleging that the applicant who is the elder brother of the informant's husband had abused and beaten up the informant with kicks and fists aged about 6 pm on 21.04.2022 and he threatened her to vacate the house.
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. A copy of the medico legal examination report annexed with the affidavit mentions that the informant was pregnant and she suffered a miscarriage.
6. A supplementary affidavit has been filed on behalf of the applicant annexing therewith a copy of the informant recorded

by the trial court.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact in the F.I.R, the victim has not leveled any allegation of suffering miscarriage due to beating by the applicant; that the statement of the victim has already been recorded by the trial court and, therefore, in case of his release the applicant will not be in a position to influence the witness, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 12.09.2022 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.

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

10. Let the **applicant- Brijesh** 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 :- 15.12.2023

Preeti.