

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12095 of 2023

Applicant :- Ashok

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

Counsel for Applicant :- Sumesh Srivastava, Manoj Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sumesh Srivastava, the learned counsel for the applicant, Sri Rishikesh Verma, the learned A.G.A. for the State and Sri Pramod Kumar Yadav, Advocate, who has put in appearance on behalf of the informant and filed his vakalatnama, which is taken on record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.220 of 2023, under Sections 323, 504, 506, 325, 308 I.P.C., registered at Police Station Hasanganj, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.07.2023 at 10.10 hrs. against four persons including the applicant and his family members alleging that the accused persons were damaging the med (boundary) of the informant's field and upon being resisted they started beating the informant's family members

4. In the affidavit filed in support of 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. An F.I.R. No.221 of 2023 was lodged from the side of the applicant also at 10.01 hrs. on 23.07.2023 by the applicant's

brother co-accused Om Prakash, stating that one of the accused persons Ram Prakash had assaulted on Om Prakash's hand with darati and another accused person, wife of Manglu assaulted on the informant's head with balli and thereafter the accused persons had beaten up the applicant with sticks. Five persons from the side of the informant have received injuries in the incident. One Sonam had a scratch mark on her left wrist. One Seema had swelling on her nose and Ram Prakash had an injury on his right hand. On the basis of instructions, learned A.G.A. has submitted that as per the supplementary report Ram Prakash suffered a fracture in his hand.

5. Although, the F.I.R. of the incident was lodged from the side of the applicant by the applicant's brother, the persons injured from the side of the applicant were not medically examined. After his arrest, the applicant was medically examined and his medico legal report which was prepared after his arrest on 30.07.2023 mentions a healed abrasion on left elbow joint, which was opined to be about 7-8 days old.

6. The learned counsel for the informant has vehemently opposed the bail application and he has submitted that several persons from the informant's side have received injuries in the incident and one person has suffered a fracture and therefore the bail application deserves to be rejected.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. of the incident was promptly lodged from the side of the applicant also stating that two persons have suffered injuries in the incident and the injured persons were not examined medically and in the medical examination report of the applicant after his arrest, a 7-8 days old injury of abrasion has been reported; that except for a fracture in hand of one person, all the injuries are

simple in nature; that the applicant has no previous criminal history and he is languishing in jail since 30.07.2023 and without making any observation, 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 in the aforesaid crime.

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

9. Let the **applicant- Ashok** be released on bail in Case Crime No.220 of 2023, under Sections 323, 504, 506, 325, 308 I.P.C., registered at Police Station Hasanganj, District Unnao on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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
Ram.