

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12113 of 2023

Applicant :- Rohit Dubey

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

Counsel for Applicant :- Gulam Rabbani

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gulam Rabbani, learned counsel for the applicant, Sri Gyanendra Singh, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 509 of 2021, under Section 307 IPC, Police Station Kotwali Nagar, District Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged by a Station House Officer against the applicant and one Satyam Prajapati, alleging that when a police party had intercepted a motorcycle, which was being driven by the co-accused person, the applicant who was riding on pillion seat of the motorcycle opened fire towards the police party with intention to kill them. No person has received any injury in the incident.
4. On the contrary, it is the applicant himself, who suffered gun shot injury in his leg.
5. In the affidavit filed in support of the application, it has been stated that the applicant has been falsely implicated in the present case. The applicant's involvement in 7 other cases has been disclosed in para 17 of the affidavit, in 3 of which the applicant has been granted bail, in 2 cases he was released during spread of Covid-19 Pandemic, 1 case stands closed keeping in view the period undergone by the applicant in imprisonment and 1 case has been filed subsequent to the present case. The applicant is languishing in jail since 04.08.2021.
6. Co-accused Satyam Prajapati has been granted bail by means of an order dated 05.10.2021 passed by the Sessions Court.

7. The learned A.G.A. has opposed the prayer for 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 that no person has received injury in the incident and that the applicant is languishing in jail since 04.08.2021 whereas the other co-accused persons have been granted bail, I am of the view that the applicant is also entitled to be released on bail in the aforesaid case.

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

10. Let the applicant-***Rohit Dubey*** be released on bail in Case Crime No. 509 of 2021, under Section 307 IPC, Police Station Kotwali Nagar, District Ayodhya 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.

Order Date :- 11.10.2023

Pradeep/-