

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2234 of 2023

Applicant :- Lalman And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Dpett.
Lko. And Another

Counsel for Applicant :- Avinash Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Avinash Kumar Srivastava, the learned counsel for the applicants as well as Sri Jayant Singh Tomar, learned A.G.A.-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No.774 of 2023, under Sections 452, 323, 504, 506, 324, 307, 34 I.P.C., registered at Police Station Kotwali, District- Barabanki.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 07.07.2023 against five persons, including the applicants, stating that because of a property dispute, all the accused persons entered the informant's house at about 12:00 Noon on the aforesaid dates and they assaulted the informant's mother Geeta Devi, Sister Mamta and brother Rajdeep with *baka, farsa* and *sticks*. It is also alleged that the accused persons threatened the victims not to approach the land in dispute.

4. The medico legal examination report of Reeta Devi mentions a lacerated wound of 4X0.1 cm bone deep, on left parietal part of skull, traumatic swelling on left forearm measuring 10X10 cm and she was advised X-ray. Mamta has also suffered a lacerated wound size 7X0.5 cm bone deep over parieto occipital region of skull, a contusion of size 10X2 cm over lateral aspect of right upper arm, a contusion of 4X3 cm over posterior aspect of right upper arm joint traumatic swelling on right hand and she was also advised X-ray.

5. In the affidavit filed in support of the application, it has been

stated that the applicants are innocent and have falsely been implicated and have no criminal history. It has further been stated that the applicant no.1 is aged about 72 years and he is the grandfather of the applicant no.2, who is a young man aged about 20 years.

6. Learned counsel for appellant has submitted that no supplementary examination was done to ascertain the nature of injuries.

7. Learned A.G.A.-I has vehemently opposed the anticipatory bail application and on the basis of instructions, he has submitted that both the injured persons have given statements regarding complicity of applicants in commission of offences.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that even in absence of supplementary medico-legal examination reports, it is apparent that both the victim women have suffered numerous injuries in the incident, including lacerated wounds on their heads, and both the injured persons have given statements implicating the applicants.

9. I am of the view that the aforesaid fact do not warrant exercise of discretion of this Court by granting pre-arrest bail to the applicants, therefore, application for anticipatory bail is hereby **rejected** without prejudice.

10. In case the applicants file an application for grant of bail, the same shall be considered and decided expeditiously in accordance with law without being influenced by rejection of their anticipatory bail application.

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[Subhash Vidyarthi, J.]

Order Date :- 12.10.2023

-Amit K-