

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12211 of 2023

Applicant :- Dinesh Kumar @ Chhotu Lona

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 50 of 2021, under Sections 307 I.P.C., Police Station Kotwali Tanda, District- Ambedkar Nagar.

It is argued by the learned counsel for the applicant that it is a police firing case where simple injuries were caused to a police officer. Though he was also injured in the incident. The applicant is languishing in jail since 21.3.2021, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that there is criminal history of 17 cases to the credit of the applicant, appended at page 10 of the counter affidavit. Out of these 17 cases, the applicant is on bail in 7 cases. In one case final report has been filed. In rest one case of Arms Act, one case of Gangster Act and 3 cases relating to sections 379/380/411 I.P.C. and two cases under section 307 I.P.C. he has not been bailed out.

As per injury report, the injury caused by the fire shot made by the applicant is found to be simple. The applicant is also injured in the same incident. The applicant is languishing in jail since 21.3.2021.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Dinesh Kumar @ Chhotu Lona who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 8.12.2023

Gss