

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2279 of 2023

Applicant :- Mohd. Najeer @ Najeer

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

Counsel for Applicant :- Ajmal Khan, Javed Khan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Javed Khan, learned counsel for the applicant as well as Sri Jayant Singh Tomar, learned A.G.A-I for the State and perused the record.
2. The instant bail application has been filed seeking anticipatory bail in case crime No. 279 of 2023, under Sections 147, 148, 149, 323, 307, 308, 341, 427, 504, 506 I.P.C, registered at Police Station Aaspur Deosara, District Pratapgarh.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 11.08.2023 against six named persons, including the applicant and some unknown persons, alleging that co-accused Shamim and three other persons had beaten up the informant's husband on 10.08.2023 and her husband had lodged an F.I.R in this regard. Several persons of the village had threatened the informant's husband for his having lodged an F.I.R. while the informant's husband was returning from his shop at about 9:00 pm, the accused persons waylaid the informant's husband and started damaging his motorcycle and upon his opposition, they assaulted on his head with an axe and tried to strangle him.
4. The learned counsel for the applicant has submitted that the applicant is not named as an accused in the earlier F.I.R and he has no criminal history.

5. A copy of the injury report of the informant's husband regarding the incident that took place on 10.08.2023, has been annexed with the affidavit as per which he has suffered nine injuries of contusion, laceration and abrasion and was referred to the District Hospital, Pratapgarh for C.T Head, X-ray neck and X-ray of left side of chest. However, no abnormality was found in the subsequent investigation.

6. The learned A.G.A-I has opposed the anticipatory bail application and he has produced a copy of relevant extract of case diary for perusal of the court. In his statement recorded under Section 161 Cr.P.C, the victim has stated that on 10.08.2023, he was beaten up by certain persons, when he had demanded his money, regarding which he has lodged an F.I.R on 10.08.2023. On 11.08.2023, he was beaten up for having lodged the earlier F.I.R. He has implicated the applicant also as the persons involved in commission of the offence.

7. Having considered the aforesaid fact and circumstances of the case and keeping in view the fact that the victim was first beaten up when he had demanded payment of his money; that the victim had lodged an F.I.R regarding the incident, he was threatened and assaulted for having lodged an F.I.R, he was taken to the Community Health Center, from where he was referred to the District Hospital, Pratapgarh, I am of the view that the nature of allegations of assault for the reason of lodging an F.I.R, are serious and do not warrant exercise of discretion of this Court by granting pre arrest bail to the applicant.

8. Accordingly, the application stands **rejected**.

(Subhash Vidyarthi,J.)

Order Date :- 18.10.2023

Preeti.