

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12399 of 2023

Applicant :- Sameer @ Babbu

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

Counsel for Applicant :- Rajesh Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajesh Kumar Awasthi, learned counsel for the applicant, Sri Amitabh Chaturvedi, 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. 333 of 2023, under Sections 147, 336, 323, 452, 326, 504, 506, 427 I.P.C., registered at Police Station Gosainganj, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.07.2023 against nine persons, including the applicant, alleging that because of a property dispute, all the accused persons entered the informant's house and assaulted his family members with sticks and bricks.

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.

5. Three persons have received injuries in the incident. Sania, aged about 14 years, had reddish abrasion on the scalp of size .5 cm x .3 cm besides complaint of pain, Soni, aged about 24 years, suffered a lacerated wound of size .5 cm x .2 cm on the forehead besides complaint of pain and Munni, aged about 45 years, was having stitched wound at lower lid of right eye, and two abrasions on left forearm and wrist of right hand.

6. Injured persons assigned general role to all the accused persons and no specific allegation was leveled against the applicant. Some

independent witness namely, Madeena wife of Azad, Saukat son of Faiz, Neba wife of Aleem, Aleem son of Manzoor assigned role of causing injuries on the eye of Munni against Aqeel.

7. The learned A.G.A. has opposed the prayer for bail and on the basis of instructions, has submitted that name of Aqeel and some other persons have been expunged by the investigating officer.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that no witness has assigned any specific role to the applicant and the person to whom specific role of causing injury on the eye has been assigned, has been expunged by the Investigating Officer; that the applicant has no previous criminal history and he is languishing in jail since 29.08.2023 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.

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

10. Let the **applicant**-Sameer @ Babbu be released on bail in aforementioned case 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 :- 18.10.2023
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