

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION
U/S 438 CR.P.C. No. - 2333 of 2023

Applicant :- Kallan And 2 Others

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

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dinesh Kr. Chaudhary, the learned counsel for the applicants as well as Sri Anurag Verma, the learned Additional Government Advocate-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.221 of 2019, under Sections 323, 504, 506, 308 I.P.C., registered at Police Station Kotwali Dehat, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.07.2019 against four persons, including the applicants, alleging that the accused persons had started beating the informant at about 9 pm on 23.07.2019 and when some persons tried to intervene they were also assaulted.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicants are innocent, they have no criminal history and they have falsely been implicated in the present case. An FIR No.222 of 2019 regarding the same incident was lodged from the side of the applicants also on 24.07.2019 itself against four persons, alleging assault by the accused persons. Four

persons from the informant's side received injuries in the incident and three ladies from the applicants' side have also got injuries in the incident.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident appears to be regarding a quarrel and free fight between the persons belonging to both the sides in which persons from both the sides have received injuries, coupled with the fact that the applicants have no criminal history and offences alleged carry a maximums punishment of imprisonment up to 7 years and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicants.

7. In view of the above, the anticipatory bail application of the applicants is allowed. In the event of arrest/ appearance of **applicants-Kallan, Lallan and Mishal @ Ranjeet @ Vishal** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail on their furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicants shall not pressurize/ intimidate the prosecution witness;

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(Subhash Vidyarthi, J.)

Order Date :- 19.10.2023
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