

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12404 of 2023

Applicant :- Anil Gupta

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

Counsel for Applicant :- Anand Dubey, Martand Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anand Dubey, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 493 of 2023, under Section 182, 195, 201, 307, 34, 120-B I.P.C. and Section 3/25 of Arms Act, registered at Police Station Kotwali Ayodhya, District Faizabad/Ayodhya.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 02.09.2023 by Lakshman Nishad against Santosh Sonker, Komal and an unknown person, alleging that when the informant Lakhman Nishad was going on a motorcycle and the applicant was also riding with him, the accused persons fired at them due to which Lakhman Nishad suffered some pallet injuries.
4. During Investigation, the accused persons were exonerated and the complainant and the applicant were made accused.
5. Even after it is accepted that the complainant and the applicant had tried to create a fake incident for entangling the accused persons in it, prima facie the case for attempt to murder will be not made out against the applicant.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no criminal history and he is languishing in jail since 03.09.2023 and without making any observations 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.

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

9. Let the applicant- **Anil Gupta** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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

Preeti.