

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2325 of 2023

Applicant :- Udham Singh

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

Counsel for Applicant :- Dheeraj Awasthi, Mayank Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dheeraj Awasthi, the learned counsel for the applicant, Sri Shaunak Singh, the learned AGA-I for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 373 of 2021, under Sections 308, 325, 323, 504, 506 IPC, Police Station Maurawan, District Unnao.

3. The aforesaid case has been registered on the basis of an FIR lodged on 20.08.2021 against four persons, including the applicant, alleging that because of an old animosity all the accused persons had beaten up the informant and his family members with sticks, causing injuries to four persons.

4. In the statement, the number of injured persons increased to five and all the five injured persons have been examined medically. An x-ray examination report of one injured person mentions fracture on skull.

5. It has been stated in the FIR that an FIR of the incident was lodged from the side of the applicant also on the same day, which has been registered as FIR No. 374/2021, under Sections 323, 504, 506, 452, 308 IPC, against four persons, alleging that all those persons had beaten up and caused injuries to three persons on the side of the applicants.

6. A copy of the x-ray report of the co-accused Devendra has been annexed with the affidavit indicating that he had suffered a fracture on his skull in the incident.

7. It has been submitted by the learned counsel for the applicant that the co-accused Aditya and Devendra Bahadur Singh @ Devendra have been granted anticipatory bail by means of orders dated 18.09.2023 & 06.10.2023 passed by this Court in

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident occurred because of an old animosity between the parties; persons from both the sides received injuries in the incident and both the sides have lodged FIRs against each other and that the applicant is having no criminal history and two co-accused persons have already been granted anticipatory bail in the present case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Udham Singh*** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his 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 applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant 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 applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 19.10.2023

Pradeep/-