

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2374 of 2023

Applicant :- Sarvesh Yadav @ Pravesh

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

Counsel for Applicant :- Sandip Kumar Yadav,Ram Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri. Sandip Kumar Yadav, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 216 of 2022, under Sections 147, 148, 149, 332, 353, 341, 307, 336, 427, 506, 504 I.P.C. and S. 7 Criminal Law (Amendment) Act, 1932, registered at Police Station - Kotwali Bikapur, District - Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.06.2022 against 28 named persons, including the applicant, and an unknown person, alleging that the accused persons had started an agitation and caused road blockage and they attacked the police party by hockey, sticks, iron rods and indulged in brick-battling due which some police persons were got injured and some vehicles were damaged.

4. In the affidavit filed in support of the anticipatory bail-application, it has been stated that the applicant is a 21 years old person, he has no criminal history and he has falsely been implicated in the present case.

5. Six co-accused persons have been granted bail in the present case and copies of some bail orders have been annexed with the affidavit filed in support of the application.

6. Sri Anurag Verma, learned A.G.A.-I has opposed the application and he has submitted that the applicant is not cooperating with the investigation which is still pending. However, he could not dispute that the allegations leveled against the applicant are similar to that of co-accused Shailesh Yadav, who has been enlarged on anticipatory bail by means of the order dated 19.10.2023 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No.2336 of 2023.

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 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 applicant.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant- Sarvesh Yadav @ Pravesh before the learned Trial Court in the aforesaid case crime, 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.

(Subhash Vidyarthi, J.)

Order Date :- 27.10.2023
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