

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12615 of 2023

Applicant :- Ramasrey @ Baba Lodhi

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

Counsel for Applicant :- Shishir Pradhan, Ankit Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shishir Pradhan, the learned counsel for the applicant, Sri Amitabh Chaturvedi, the learned A.G.A. for the State as well as Sri Dharendra Singh, the learned counsel for the informant and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 254 of 2023, under Section 307, 324, 325, 504, 506 I.P.C. and Section 4/25 of Arms Act, registered at Police Station Gurubuxganj, District Raebareli.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 09.05.2023 at 19:01 hours stating that because of an old animosity, the applicant had assaulted the informant's brother at about 1:15 pm on 07.05.2023 and he had given several blows on the head and hand of the victim with a sharp edged Banka. The F.I.R states that the victim was taken to the C.H.C Jatua Tappa from where he was referred to the district hospital and further, he was referred to Trauma Center, Lucknow.

4. A copy of the medico legal examination report prepared by the Medical Officer, C.H.C Jatua Tappa annexed with the affidavit indicates that the victim was taken to the health center by his friend Dharmendra Soni and the victim had himself informed that he had received injuries in a road accident. Out of the four injuries suffered by the victim, three are lacerated wounds and only one injury is an incised wound on mid of parietal region.

5. The learned A.G.A. and the learned counsel for the informant have opposed the bail application and they have stated that during investigation, several

witness have been examined, all of whom have supported the F.I.R allegations.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident occurred at 01:15 pm on 07.05.2023 whereas the F.I.R has been lodged at 19:01 hours at 08.05.2023; that in the initial medico legal examination report prepared at 01:30 pm 07.05.2023, the doctor has recorded that the victim had himself informed that he got injured in a road accident; that the victim has suffered three lacerated wounds, which cannot be said to have been caused by a sharp edged banka, as alleged in the F.I.R, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 09.05.2023 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.

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

8. Let the applicant- **Ramasrey @ Baba Lodhi** 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 :- 28.10.2023

Preeti.