

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12662 of 2023

Applicant :- Sadhuraam Pal

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

Counsel for Applicant :- Suresh Chandra Srivastava, Vaibhav Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Suresh Chandra Srivastava, the learned counsel for the applicant, Sri Rishikesh Verma, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.28 of 2023, under Sections 323, 504, 506, 308 I.P.C., registered at Police Station Bandhukala, District Sultanpur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.02.2023 against four persons, including the applicant, stating that all the accused persons had abused and assaulted the informant's son.
4. A copy of the medico legal examination report of the victim annexed with the affidavit indicates that he has suffered 7 injuries and he was advised X ray head, the applicant declined to get X ray examination conducted. Subsequently, his CT Scan was conducted on 24.02.2023 wherein undisplaced fracture on left temporal and parietal bones is noted.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is 64 years old innocent person and he had surrendered before the trial court on 24.08.2023. The applicant was enlarged on interim bail on the same day but subsequently his bail was rejected on 06.10.2023.

6. The learned A.G.A. has opposed the prayer for 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 FIR lodged against the four persons does not level any specific allegation against the applicant; that the applicant is 64 years old person and he had himself surrendered before the trial court and that the applicant has no criminal history; and he is languishing in jail since 06.10.2023 and without making any observation, 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 in the aforesaid crime.

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

9. Let the **applicant-Sadhuram Pal** be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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 :- 30.10.2023
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