

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12724 of 2023

Applicant :- Pramod Kumar Dhobi And Another

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

Counsel for Applicant :- Kailash Nath Mishra,Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kailash Nath Mishra, learned counsel for the applicants, Sri Virendra Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 209 of 2023, under Sections 323, 452, 308, 307, 324, 504, 506 I.P.C., registered at Police Station Umari Begumganj, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.06.2023 at 12.06 hrs. against four persons, including the applicants and two women stating that because of a dispute regarding passage the accused persons had beaten up several persons from the informant's side at about 4.10. p.m. on 15.06.2023.

4. Prior to lodging of the present F.I.R. an F.I.R. No.207 of 2023 was lodged from the applicants' side on 16.06.2023 at 10.38 hrs. against four persons alleging similar allegations. Four persons from the informant's side have received injuries in the incident and three persons from the applicants' side, including both the applicants have suffered numerous injuries.

5. In the affidavit filed in support of bail application it has been stated that the applicants are innocent and they have been falsely implicated in the present case. The applicants'

involvement in Case Crime No.189 of 2023, under Sections 323, 504, 506, 427 I.P.C. Police Station Umari Begumganj, District Gonda has been disclosed in para 15 of the affidavit.

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 persons from both sides have received injuries in the incident and both the applicants have received numerous injuries; that an F.I.R. of the incident was lodged promptly from the applicants' side prior to lodging of the F.I.R. in question and that the applicant no.1 is languishing in jail since 06.08.2023 and the applicant no.2 is languishing in jail since 19.07.2023 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 applicants on bail in the aforesaid crime.

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

9. Let the **applicants-Pramod Kumar Dhobi and Lalta Prasad Dhobi** 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 following conditions:-

(i) the applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 30.10.2023
Ram.