

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2472 of 2023

Applicant :- Ramdhan Alias Sukaee

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

Counsel for Applicant :- Shyam Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rohit Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I 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.19 of 2023, under Sections 147, 149, 323, 504, 304, 120-B I.P.C., registered at Police Station Paraspur, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.01.2023 against seven persons, including the applicant, alleging that because of a dispute regarding repairing of passage the accused persons had beaten up the informant's brother Ramanand on 05.06.2021. Ramanand had died on 06.06.2021. Ramanand's wife Ratrani (co-accused person in the present case) had filed an application under Section 156 (3) Cr.P.C. which was dismissed as not pressed on 24.11.2021. The F.I.R. states that after few days the informant came to know that co-accused Ramrati herself had got her husband eliminated by other co-accused persons under a conspiracy.

4. In the affidavit filed in support of the anticipatory bail-

application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. The applicant had earlier filed a Criminal Misc. Writ Petition No. 1670 of 2023 and by means of an interim order dated 28.02.2023, his arrest was stayed till filing of a police report under Section 173(2) Cr.P.C. Charge-sheet has been submitted on 28.03.2023 and thereafter the applicant has sought interim bail from the Session Court and thereafter the present application has been filed.

6. The learned counsel for the applicant has submitted that co-accused Mangre, has also been granted anticipatory bail by means of the order dated 14.09.2023 passed in Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. No.2011 of 2023.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident took place on 05.06.2021; that the application under Section 156 (3) Cr.P.C. filed by the deceased's wife was dismissed as not pressed on 24.11.2021 and that the instant F.I.R. has been lodged on 12.01.2023 on the basis of an information allegedly received subsequently from undisclosed source and that a co-accused has already been granted bail, coupled with 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.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Ramdhan Alias Sukaee** 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 :- 2.11.2023

Preeti.