

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13122 of 2023

Applicant :- Anil Pal @ Bhola

Opposite Party :- State Of Up Thru Prin Secy Home Civil Sectt Lko

Counsel for Applicant :- Santosh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Santosh Kumar Pandey, learned counsel for the applicant, Sri Anant Pratap Singh, 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. 0142/2023, under sections 308, 323, 324, 504, 506 IPC, Police Station, Purakalander, District Ayodhya.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case due to old enmity. It is further submitted that in fact, the injured was in drunken condition at the time of incident as it has been found in his medical examination report and he received injuries by some other way. The first information report indicates that four persons have attacked on injured whereas injured in his statement recorded under Section 161 Cr.P.C. has mentioned about only two assailants. The FIR version is doubtful. It is also submitted that in case applicant is released on bail, he will not misuse the liberty of bail and will co-operate in the trial. Lastly, he submits that the applicant is in jail since 22.3.2023 and the trial may take sometime for its final disposal, therefore, the applicant may be released on bail.

4. Co-accused Arvind Pal @ Tuntun has been granted bail by means of the order dated 26.06.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.7874 of 2023.

5. Learned A.G.A. opposed the prayer for bail but did not dispute the factual submissions made by the learned counsel for the applicant.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a co-accused person has been granted bail; that the applicant has no previous criminal history and he is languishing in jail since 25.09.2023 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.

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

8. Let the **applicant-Anil Pal @ Bhola** 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 :- 7.11.2023
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