

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2522 of 2023

Applicant :- Prithvee Pal Alias Anupam

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Govt. Lko
And Another

Counsel for Applicant :- Raghvendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Raghvendra Singh, the learned counsel for the applicant as well as the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The present bail application under Section 438 Cr.PC. has been filed seeking anticipatory bail in case crime No. 299/2021, under Sections 323/324/504/506/308 I.P.C., P.S. Chhapia, District Gonda.

3. Learned counsel for the applicant submits that due to old enmity maar peet took place between both sides. Both sides have sustained injuries. He submits that the applicant is innocent and there are general allegations levelled by all three injured and except injury no. 1 of Narendra Pandey, all injuries are simple in nature. No injured witness has assigned any specific role to any of the accused persons. Cross case was filed from the side of the applicant titled as State Vs. Kavindra Kumar Pandey, F.I.R. No. 300/2021, under Section 323/504/506 I.P.C., P.S. Chapiya, District Gonda. It is further submitted that persons of applicant side were the aggressor. Charge sheet has been filed in this case.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, and he has falsely been implicated in the present case. Two co-accused, Mahanth Kumar Pandey @ Mahanth Pandey and Dinesh Pandey have been granted anticipatory bail by means of the order dated 08.08.2023 and 19.07.2023 passed in 195 of 2023 and 215 of 2023 respectively.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that two co-accused persons have been granted anticipatory 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.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Prithvee Pal Alias Anupam** 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 :- 7.11.2023
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