

Neutral Citation No. - 2023:AHC-LKO:73693

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13212 of 2023

Applicant :- Preetam And 2 Others

Opposite Party :- State Of U.P Thru. Prin. Secy. Deptt. Home Govt. Civil Sectr. Lko.

Counsel for Applicant :- Pankaj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicants on bail in Crime No.0372 of 2020, under Sections 323, 504 and 308 Indian Penal Code, Police Station - Tahangaon, District - Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.11.2020 against four named persons, including the applicants, with respect to the incident dated 14.11.2020.
4. Learned counsel for the applicant submits that general role of assault has been levelled by the informant against four accused persons including the applicant. No specific role has been assigned to the applicant. He further submits that it is not clear from the prosecution version that as to who caused the injury on injured Virendra. The other injured witnesses Atul and Tannu have not received any serious injuries. No motive has been assigned to the applicant.
5. In the affidavit filed in support of bail application it has been stated that the applicants are innocent, they have been falsely implicated in the present case and they have no criminal history.
6. Co-accused Sarvesh has already been granted bail by this court by means of order dated 17.01.2022 passed by this Court in Criminal Misc. Bail Application No. 11293 of 2023.
8. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as stated by learned counsel for the applicant.

9. Considering the facts and circumstances of the case, and also considering the facts that the general role of assault has been levelled by the informant against four accused persons including the applicant and the applicant is in jail since 16.08.2021 and without expressing any opinion on merits of the case, I find it to be a fit case for enlarging the applicant on bail.

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

11. Let the applicants-the applicants-(i) ***Preetam***, (ii) ***Mulla Ram*** and (iii) ***Surendra @ Surendra Kumar*** involved in Crime No.0372 of 2020, under Sections 323, 504 and 308 Indian Penal Code, Police Station - Tahangaon, District - Sitapur, 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 :- 7.11.2023

Pradeep/-