

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2611 of 2023

Applicant :- Shivam Pal

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

Counsel for Applicant :- Anamika Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Anamika Singh, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, 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. 180 of 2023, under Sections 34, 147, 148, 149, 323, 324, 307, 352, 452, 504, 506 IPC, Police Station Aaspur Devsara, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged at 15:55 hours on 01.06.2023 against six persons, including the applicant, alleging that because of a property dispute, the accused persons had attacked the informant and his son. The informant and his son have suffered numerous injuries in the incident, one of which has been reported to be grievous in nature.
4. Prior to lodging of the present FIR, an FIR No. 178 of 2023 was lodged at 15:14 hours on 01.06.2023 itself from the applicant's side against the informant and another person, alleging that they were trying to take possession of the disputed land and upon opposition, they had assaulted the informant of the case and her husband-co-accused Ram Sajeewan Pal.
5. One person from the applicant's side has received numerous injuries in the incident, including a lacerated wound on the skull.
6. In the affidavit filed in support of the application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.

7. Co-accused persons, namely, Vinay Pal and Ram Sajivan Pal @ Ram Sajivan have already been granted anticipatory bail by means of orders dated 08.11.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application Nos. 2554 of 2023 & 2569 of 2023 respectively.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there is property dispute between the parties, which led to the incident, in which persons from both the side have received injuries in the incident and an FIR was lodged from the applicant's side prior to lodging of the FIR in question; 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 during pendency of the trial.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Shivam Pal** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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.

Order Date :- 9.11.2023

Pradeep/-