

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2679 of 2023

Applicant :- Jaswant

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

Counsel for Applicant :- Mithlesh, Madhulika Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Madhulika Yadav, the learned counsel for the applicant as well as the Sri Amitabh Chaturvedi, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No. 291/2023, under Sections 323, 504, 308 IPC, Police Station Hargaon, District Sitapur.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 24.05.2023 against the applicant and his brother Vipin Kumar, stating that the accused persons had assaulted the informant at about 05:30 p.m. on 01.04.2023. Initially, a non cognizable report was registered on 01.04.2023, under Sections 323, 504 IPC and subsequently the FIR has been registered on the basis of the same information. The Medico Legal Examination Report of the victim mentions two lacerated wounds and an abrasion suffered by him and the X-ray examination report mentions a linear fracture on his skull.

4. In the statement of the informant recorded under Section 161 Cr.P.C., he stated that the applicant resides in a house opposite the informant's house and their relations are strained for several reasons. On the date of the incident, the applicant had hit the informant's bicycle with his motorcycle, had abused and beaten him and while he had caught hold of the informant, the co-accused Vipin had assaulted him with the handle of a Kudali.

5. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

6. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that there is an old animosity between the parties; that a non cognizable report of the incident was lodged promptly; that in the statement of the victim, he has categorically stated that the incident occurred because of a quarrel started by the applicant and that the victim has suffered grievous injuries in the incident, I am of the view that the aforesaid facts do not entitle the applicant to claim discretion of this Court by granting him pre-arrest bail.

7. The anticipatory bail application is ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 22.11.2023

Pradeep/-