

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13737 of 2023

Applicant :- Mohit Sharma @ Mohan Sharma And Another

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

Counsel for Applicant :- Ramakar Shukla, Manmohan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ramakar Shukla, learned counsel for the applicants, Sri Ajay Kumar Srivastava, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.264 of 2022, under Sections 147, 323, 336, 308, 504 I.P.C., registered at Police Station Dostpur, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged at 14.35 hrs. on 01.10.2022 against five persons, including the applicant that the accused persons started hurling abuses in front of the informant's house at about 11.00 p.m. on 30.09.2022 without any reason and they had assaulted the informant's brother and father. The informant's brother suffered fracture on his head. His father suffered simple injuries. The medico legal examination report of Dinesh mentions that he was an alcoholic and was smelling of alcohol from his mouth.

4. In the affidavit filed in support of bail 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. An F.I.R. No.263 of 2022 was lodged from the applicants' side at 13.45 hrs. on 01.10.2022 i.e. prior to lodging of F.I.R. in

question against six persons, alleging assault by them. Six persons from the applicants' side have received injuries in the incident, including a fracture suffered by one person.

5. The learned A.G.A. has opposed the prayer for 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 six persons from the side of the applicants have suffered injuries in the incident and an F.I.R. of the incident was lodged from the applicants' side prior to lodging of the F.I.R. in question; that there is no specific allegations against the applicants; that the applicants have no previous criminal history and they are languishing in jail since 06.10.2023 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 applicants on bail in the aforesaid crime.

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

8. Let the **applicants-Mohit Sharma @ Mohan Sharma & Girja Shankar** 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 :- 23.11.2023
Ram.