

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13775 of 2023

Applicant :- Santosh Shukla @ Bhannu @ Pandit

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

Counsel for Applicant :- Anil Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anil Kumar Awasthi, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.419 of 2023, under Section 307 I.P.C., registered at Police Station Pihani, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged by the In-charge Inspector of Police on 26.07.2023 against the applicant and one Rajesh @ Ajai alleging that when the accused persons was intercepted on the basis of information received from a mukhbir, they fired at the police party. No police person received any injury in the incident rather co-accused Rajesh @ Ajai got injured from a bullet fired by the police. The FIR mentions that no empty cartridge of any shot allegedly fired by the accused person could be recovered from the police.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. Applicant's involvement in 11 other cases has been disclosed by filing a supplementary affidavit; in 8 of which, he has been granted bail; two cases under Section 110G Cr.P.C. closed after expiry of the stipulated period and in one other case the applicant has been acquitted.
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 no police person has suffered any injury in the incident and the police could not recovered any empty cartridge of any shot fired by the accused persons; that the applicant is languishing in jail since 27.07.2023 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 applicant on bail in the aforesaid crime.

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

8. Let the **applicant-Santosh Shukla @ Bhannu @ Pandit** be released on bail in aforementioned 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 applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 22.11.2023
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