

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13794 of 2023

Applicant :- Vishnu

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

Counsel for Applicant :- Ram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Ram Singh, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in case crime no.191 of 2021, under Sections 323, 504, 506, 307 and 427 I.P.C., P.S. Alapur, District Ambedkar Nagar.

03. As per version in the F.I.R., the first informant owned a plot and he constructed a house thereon which was destroyed by Rajendra Yadav earlier. It is alleged in the F.I.R. that a civil suit as regard the property was going on and came to be decided in favour of the first informant. Therefore, he started construction once again. On the date of the occurrence three accused persons, who are named in the F.I.R., came and pulled down wall constructed by him and abused him using casteist words and also fired upon him. On the basis of this F.I.R. the matter was investigated upon and chargesheet against four persons named in the F.I.R. was filed dropping the names of rest of four persons.

04. It is contended on behalf of the applicant that he has been falsely implicated in the background of civil litigation allegedly going on between the first informant and the main accused Rajendra Yadav. The applicant is no way connected with him. It is further contended that injuries were only complaint of pain and no external visible injury was found on the person of Leelwati. None was injured by any firearm. It is further contended that infirmities and improbabilities in the F.I.R. are too apparent. Co-accused Shyam Lal and Ram Sudhar having allegedly similar role have been granted bail by co-ordinate Benches of this Court vide orders dated 16.01.2023 and 24.01.2023 passed in Criminal Misc. Bail Application Nos.748 of 2023 and 1986 of 2022 respectively.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that that the applicant is having no criminal antecedents and that he is in jail since 26.09.2023.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Vishnu** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 22.11.2023

Asha