

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13796 of 2023

Applicant :- Laxmikant Tiwari

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Ramakar Shukla, 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.93 of 2023, under Section 307 I.P.C., P.S. Shivgarh, District Sultanpur.

03. As per version of the F.I.R., five persons were apprehended by the police on the basis of the confidential information received by them. Illegal firearms were recovered from the possession of the applicant; as per version of the F.I.R. accused applicant and his associates fired upon the police party to take their life.

04. It is contended on behalf of the applicant that in the alleged firing none of the police personnel sustained any kind of injury. The credibility of the prosecution story is questionable. It is improbable that four persons allegedly attack the police party but none of them sustain any kind of injury. Story is cooked up. The applicant is innocent and has been falsely implicated in this case. It is further contended that two cases have been cited as previous criminal history and in both of them the applicant is on bail.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that that the applicant is in jail since 12.09.2023.

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 - **Laxmikant Tiwari** 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