

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2688 of 2023

Applicant :- Vimal Verma

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

Counsel for Applicant :- Ashok Kumar, Chandra Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashok Kumar, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. At the outset the learned AGA has raised a preliminary objection that the applicant has not approached this Court with clean hands as he has stated in para 25 of the affidavit that he has been granted bail in another case bearing Case Crime No. 28 of 2019, under Sections 323, 504 & 506 IPC & Section 3(i) (iv) of SC/ST Act by means of an order dated 20.10.2022 passed by this Court in Criminal Appeal No. 2565 of 2022.

3. However, a copy of the order dated 20.10.2022 annexed with the affidavit as Annexure No. 7 indicates that the appeal was disposed of with as direction to the trial court that if the appellants appear and surrender before the court within 30 days and apply for bail their prayer for bail shall be considered and decided expeditiously by the court below in accordance with law.

4. Upon being pointed out the falsehood in the affidavit of the applicant, the learned counsel for the applicant stated that it is not the mistake of the applicant but of his counsel and the mistake has crept in because of negligence of the counsel in performing his professional duty.

5. Therefore, keeping in view the larger interest of justice, I proceed to decide the application on its merits ignoring the negligent manner of the counsel in dealing with his professional responsibilities towards the applicant.

6. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 295

of 2023, under Sections 323, 324, 504, 506, 307 IPC, Police Station Hyderabad, District Lakhimpur Kheri.

7. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.07.2023 against four persons, including the applicant, alleging that the accused persons had hurled abuses in front of the informant's house and upon being objected, co-accused Kamlesh Verma alias Kamal assaulted on the applicant's head with a spade.

8. In the affidavit filed in support of the application it has been contended that the applicant is innocent and he has falsely been implicated in the present case.

9. Co-accused Satish Verma alias Guddu has been granted anticipatory bail by means of an order dated 09.11.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 2524 of 2023.

10. The case set up against the applicant is similar to that set up against the aforesaid co-accused person who has already been granted bail.

11. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

12. Having considered the aforesaid facts and circumstances of the case and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant during pendency of the trial.

13. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Vimal Verma** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the

evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 23.11.2023

Pradeep/-