

**Court No. - 29**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14000 of 2023

**Applicant :-** Amresh

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

**Counsel for Applicant :-** Manoj Sahu

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Sadhna Rani (Thakur),J.**

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

This application has been moved by the applicant - Amresh to enlarge him on bail in Case Crime No. 357 of 2023 under Sections 147, 148, 323, 326, 307, 352 I.P.C. Police Station Kotwali Rudauli, District Ayodhya.

It is argued by the learned counsel for the applicant that in the FIR, appended at page-11 of the paper book, two persons - Ram Prasad and Ram Tej are said to be injured in the alleged incident. The allegation of assault with pharsa, iron rod and baton is there against the seven accused persons. The FIR is said to have been lodged at 20.33 hours on 25.07.2023 and before lodging of FIR both the injured got themselves medically examined in CHC. In the injury report of both the accused persons the nature of injury has not been mentioned. The CT scan of head of both the injured persons has been done and no abnormality has been found as per report. In the statement of Dr. Aditya Suman, R.M.L.I.M.S., Lucknow, the injuries of Ram Tej are found to be simple in nature. It is also submitted that the injuries of both the accused persons are shown to be examined at 3.15 p.m. and 3.30 p.m. respectively in CHC concerned, while at R.M.L.I.M.S. Ram Tej is shown to be examined at 05.40 p.m. The distance between the two places is 82.5 kms. so it was not possible to cover this distance within a short span of time between 3.30 p.m. to 5.40 p.m. as per FIR. At the time of inquiry this incident is said to have taken place. As the present applicant belongs to the person against whom the inquiry was being made so he has been falsely implicated. Seven persons are said to have been assaulted but the injured Ram Prasad is said to have sustained two injuries only while Ram Tej is said to have sustained five injuries only. The applicant is languishing in jail since 26.07.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that it has come in the FIR itself and is supported by the statement of Dr. Akhilesh that one core of the middle finger of Ram Tej was amputated during this assault. In the statement of the doctor of the CHC concerned it has come that the injuries of both the injured persons were serious in nature. Hence, they were referred to R.M.L. I.M.S. Lucknow. Thus, prayer is made accordingly.

As per FIR, for an inquiry the first informant Ram Prasad and his brother Ram Tej had gone to the spot, all the seven accused persons are said to have become aggressive there. They are said to have assaulted both with pharsa, iron rod and baton. The injury reports of both the injured persons have been placed before the court whereby both the injured persons have been referred for CT scan. The nature of injuries is not shown in their injury report. In CT scan report of both the injured persons soft tissue hematoma is noted in their parietal region and no significant abnormalilty was found to any of the injured. In the statement of Dr. Aditya Suman it has come that the injuries of injured Ram Tej were simple but due to excessive bleeding the condition of the injured became serious. Dr. Akhilesh of CHC concerned has found the amputation of the one portion of middle finger of Ram Tej but separated portion of the finger is said to have not placed before the doctor. The applicant is languishing in jail since 26.07.2023.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant - Amresh involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 28.11.2023**

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