

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14064 of 2023

Applicant :- Akshay Khan

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

Counsel for Applicant :- Jyoti Rawat, Archana Rawat, Ram Samujh Rawat

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 - Akshya Khan to enlarge him on bail in Case Crime No. 229 of 2023 under Sections 323, 504, 506, 325, 307, 34 IPC, Police Station B.B.D., District Lucknow.

It is argued by the learned counsel for the applicant that the role assigned to the present applicant is of catching hold of the injured. No injury of any sharp edged weapon on the person of the injured was found. The fracture on the forearm is found as per supplementary report. The medical examination has been done before lodging of the FIR. The applicant is languishing in jail since 17.09.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail but admitted the fact that no injuries of axe are found on the person of the injured. The role assigned to the present applicant is reiterated to be of catching hold of the injured.

From perusal of the record, it is found that in the FIR there is general allegation of assaulting the injured by the present applicant along with two co-accused persons with the help of baton, stick and axe. No injury of axe is found on the person of the injured. Apart from other injuries, fracture in the forearm of the injured is found, as per medical examination report. As per statement of the injured, the role of catching hold of injured is assigned to the present applicant. The applicant is languishing in jail since 17.09.2023.

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 - **Akshay Khan** 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 :- 29.11.2023

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