

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14146 of 2023

Applicant :- Vipin Gupta @ Avnish Gupta

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

Counsel for Applicant :- Santosh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. The Advocates are abstaining from judicial work today. However, as the question of personal liberty of the applicant is involved in the present case, I proceed to decide the application after going through the records with the assistance of Sri Vinay Kumar Sahi, the learned Additional Government Advocate-I appearing on behalf of the State.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.72 of 2021, under Sections 147, 148, 323, 504, 506, 325, 308 I.P.C., registered at Police Station Kotwali Tanda, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.04.2021 against the applicant, one Ramesh and four unknown persons alleging that the accused persons had assaulted the informant. The F.I.R. alleges that the applicant had assaulted on the informant's head with a gandasa. The co-accused Ramesh had beaten him up with sticks and other four persons had also beaten him up with kicks and fists. The F.I.R. further states that when some villagers came to save him the accused person tried to run away but the co-accused Ramesh was caught. The F.I.R. states that the informant had suffered a fracture in a finger due to injury caused to the co-accused

Ramesh.

4. The medico legal examination report of the victim mentions a stitched wound on the back of the head besides some other injuries. The X-ray examination report mentions no abnormality detected on his head and a fracture has been reported on his finger.

5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

6. Sri Vinay Kumar Sahi, the learned A.G.A.-I has opposed the bail application and on the basis of instructions he has submitted that the applicant is involved in another case bearing Case Crime No.200 of 2020, under Sections 323, 506 I.P.C. Police Station Kotwali Tanda, Ambedkar Nagar.

7. The learned counsel for the applicant has submitted that the applicant has no knowledge about the aforesaid case as he has not been summoned in the aforesaid case till date.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the specific allegation levelled against the applicant in the F.I.R. is causing injury in the informant's head which injury has not been found to be grievous in nature, whereas the other co-accused person Ramesh Verma who has caused a grievous injury, has already been granted bail by this court by means of an order dated 15.05.2023, passed in Criminal Misc. Bail Application No.6321 of 2021; that the applicant himself has surrendered to custody and he is languishing in jail since 01.09.2023 and the offences alleged carry a maximum punishment of imprisonment up to seven years and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid

facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant- Vipin Gupta @ Avnish Gupta** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 1.12.2023
Ram.