

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2765 of 2023

Applicant :- Rajesh And Another

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

Counsel for Applicant :- Pradeep Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pradeep Kumar Mishra, the learned counsel for the applicants as well as Sri Gyanendra Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing CIS No. 518 of 2015, Case Crime No.0215A of 2014, under Sections 308, 325, 323, 504 I.P.C., registered at Police Station Biswan, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.08.2014 at 17.45 hours against three persons, including the applicant, alleging that the accused persons had assaulted the applicants and his nephew.
4. Another FIR bearing Case Crime No.215 of 2014 was lodged by the co-accused Surendra against the informant and his nephew alleged assault by those persons.
5. The applicant no.2 and his mother have received numerous injuries in the incident and copies thereof have been annexed with the affidavit.
6. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants are innocent, they have no criminal history and they have falsely been implicated in the present case.
7. Co-accused Surendra has been granted bail in the present case by means of the order dated 11.09.2014 passed by the Sessions court, Sitapur and the informant-Kishori Lal has also been granted bail by means of an order dated 28.08.2023 passed by the Sessions court.

8. It has been stated in the affidavit that till date the proceedings are pending at the stage of service of summon.

9. Learned counsel for the applicant has stated that the applicant has filed an application for anticipatory bail after receiving summons.

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

11. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant no.2 himself had suffered injury in the incident and he had lodged an FIR prior to lodging of the FIR in question and that the applicants have no criminal history and the co-accused person has been granted bail in the year 2014 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.

12. In view of the above, the anticipatory bail application of the applicants is allowed. In the event of arrest/ appearance of applicants **Rajesh and Shripal @ Shrilal** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail on their 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 applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants 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 applicants shall not pressurize/ intimidate the prosecution witness.

Order Date :- 2.12.2023

Renu/-