

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2812 of 2023

Applicant :- Udaybhan And Another

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

Counsel for Applicant :- Ashish Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Kumar Pandey, the learned counsel for the applicants as well as Sri Anant Pratap 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 Case Crime No.0346 of 2023, under Sections 323, 506 and 436 I.P.C., registered at Police Station Khargoopur, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.10.2023 against four persons including the applicant alleging that because of an old animosity the accused persons had beaten up the informant and his wife and when some neighbors tried to save them while going away the accused person set a hut ablaze. The F.I.R. states that the informant had already moved his essential articles from the hut and therefore no loss of life or property occasioned to him.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants are innocent and they have no previous criminal history. A supplementary affidavit has been filed on behalf of the

applicants disclosing the applicants' involvement in two other cases, in one of which the parties have arrived at a settlement and in other case the applicants have been granted bail. Several villagers have given applications to the S.H.O. concerned stating that the informant's wife is habitual of hurling abuses and threatening persons of false implication.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. itself states that no loss of life or property occasioned in the incident 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 applicants.

7. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of **applicants-Udaybhan and Gajendra** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 15.12.2023
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