

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2799 of 2023

Applicant :- Ajay

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

Counsel for Applicant :- O.P. Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri O.P. Tiwari, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate-I 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.442 of 2021 under Sections 323, 506, 308 IPC, Police Station Safipur, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.11.2021 against four persons, including the applicant, alleging that co-accused, Lala had beaten up the informant in the night of 06.11.2021 and when he was going to police station for lodging a complaint, all the accused persons held him hostage and beaten him up badly. He stated that co-accused Shiv Balak had assaulted on his head with an iron rod and thereafter threw him at his residence after threatening him in case he lodged any complaint in the police station, entire family will be killed by setting him ablaze.

4. Medico legal examination report of the informant mentions a lacerated wound over his head, abrasions on forehead and right side of face and complaint of severe pain in lower back and left leg.

5. As per the statement of the doctor recorded by the investigating officer, the victim has suffered a fracture on his head.

6. In the affidavit filed in support of the anticipatory bail-application,

it has been contended that the applicant is innocent, and he has falsely been implicated in the present case.

7. The learned A.G.A. has opposed the prayer for bail and has submitted that investigation is going on, and at this stage, grant of anticipatory bail to the applicant will adversely affect the investigation.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view nature of allegations against the applicant and injuries suffered by the informant, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

9. In view of the above, the anticipatory bail application of the applicant is **rejected**. However, in case the applicant files any bail application, the same shall be considered and decided, without being influenced by rejection of this anticipatory bail application.

Order Date :- 7.12.2023
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