

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14494 of 2023

Applicant :- Ram Milan

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

Counsel for Applicant :- Ankit Kumar Trivedi

Counsel for Opposite Party :- G.A., Rayees Ahmad Khan

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Supplementary affidavit filed on behalf of the applicant and vakalatnama filed on behalf of the first informant are taken on record.

Heard learned Counsel for the applicant, learned counsel for the first informant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 357 of 2023, under Sections 147, 148, 323, 326, 307, 352 I.P.C., Police Station Kotwali Rudauli, District- Faizabad/Ayodhya.

It is argued by the learned counsel for the applicant that it is a case of parity. Co-accused Amresh has been granted bail earlier by this court. The role assigned to the present applicant is identical to that of Amresh who has already been granted bail. The criminal history of 8 cases has been explained in the supplementary affidavit filed today itself. The applicant is languishing in jail since 5.9.2023, hence, the prayer for bail is made.

Learned A.G.A. and learned counsel for the first informant opposed the prayer for bail of the applicant and submitted that the applicant is not on bail in case crime no. 266 of 2018, u/s 419, 420, 467, 468, 471 I.P.C.

From the perusal of the record, it is found that there is allegation that two persons Ram Prasad and Ram Tej were assaulted with farsa, iron rod and baton by the present applicant and six other co -accused persons. In CT Scan of both injured persons, no abnormality was seen. As per the statement of the doctor, the injuries of injured Ram Tej were simple in nature. Ram Prasad sustained two injuries and the nature of those injuries is not placed before the court. Co accused Amresh having identical role has already been granted bail by this court.

The applicant is languishing in jail since 5.9.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Ram Milan who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates 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 trial court shall be at liberty to cancel the bail and send the applicant to the 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 :- 8.12.2023

Gss