

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14583 of 2023

Applicant :- Ameer Chandra Saroj

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

Counsel for Applicant :- Ashok Kumar Srivastava, Avinash Srivastava

Counsel for Opposite Party :- G.A.

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

1. Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.
2. The accused- applicant is involved in Case Crime No. 45 of 2022, under Sections 147, 148, 323, 504, 506, 307 and 34 IPC, Police Station Sangramgarh, District Pratapgarh.
3. It is argued by learned counsel for applicant that it is the matter related to the political dispute between two rival groups on the date of Vidhan Sabha Election i.e. on 27.02.2022 regarding same dispute the wife of one of the co-accused persons had also moved an application under Section 156 (3) Cr.P.C. against the present applicant also with the allegation that on the same day, the present applicant entered into the house of the first informant hurled caste aspersion wild abuses and molested the ladies and broke the household goods. The FIR has been lodged against 27 persons and out of 27 persons, 10 persons are said to have been bailed out. It is alleged that as the present applicant also belongs to SC/ST community, so the offence under the SC/ST Act cannot be said to be made out against the present applicant. The applicant has been assigned the role of assault with an axe but there is no recovery of axe from the applicant. There is only one injury on the person of

Sarvesh, which can be assigned to the present applicant caused by an axe. As per injury report, this incised wound attributed to the present applicant was kept under observation. As per supplementary report, the injury no. (4) was found to be simple but as per CT Scan on head at T.B.Sapru Hospital Allahabad dated 05.03.2022, this injury no. 4 was found to be grievous in nature. The applicant is languishing in jail since 26.03.2022. Hence, the prayer for bail is made.

4. Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that injury assigned to the present applicant is found to be grievous in nature. The persons bail out were having no criminal history while the present applicant is having criminal history of seven cases.

5. From the perusal of record, it is found that the only injury attributed to the present applicant caused by an axe is found to be grievous in CT Scan but after this supplementary report, no report is placed before the Court regarding further treatment of the injured. Regarding criminal history as per paragraph no. 35 of the affidavit appended with the bail application, this criminal history of the applicant is found of the years 1996 to 2008 while the present incident is dated 27.02.2022. Out of the criminal history of seven cases, one case under Section 1 (10) (G) of the Goonda Act is said to have been finished with the efflux of time in case under Sections 392/506/504 IPC and case under Section 25 of the Arms Act, final reports are said to have been submitted by the police, in two cases the applicant is said to have been acquitted and in two cases, the applicant is shown to be on bail. The applicant is languishing in jail since 26.03.2022.

6. 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.

7. The bail application is allowed.

8. Let the applicant Ameer Chandra Saroj, 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.

9. 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.

10. 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 :- 11.12.2023

Virendra