

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2894 of 2023

Applicant :- Mo. Irfan

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

Counsel for Applicant :- Bhanu Pratap Singh, Mohd. Tariq

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bhanu Pratap Singh, the learned counsel for the applicant as well as Ms. Charu 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. 196 of 2023, under Sections 308, 504, 506 IPC, Police Station Gosaiganj, District Lucknow.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 11.05.2023 alleging that the applicant abused and assaulted the informant's mother with a banka at about 08:00 p.m. on 10.05.2023, absolutely without any reason. The informant got her mother admitted to Trauma Centre, Lucknow and thereafter he came to lodge the FIR.

4. In the affidavit filed in support of the application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. It has further been stated that the allegation that the applicant had assaulted the victim without any cause, is apparently unreasonable. The learned counsel for the applicant has submitted that the informant has concealed the fact that the applicant is the son-in-law of the victim and certain disputes are going between the parties regarding which earlier also, an FIR No. 324 of 2020, under Sections 376, 313 & 506 IPC and 3/4 POCSO Act, Police Station Gosaiganj, District Lucknow was lodged, in which the applicant had been granted bail by means of an order dated 22.11.2021 passed by this Court in Bail No. 449 of 2021.

5. The learned AGA has vehemently opposed the bail application and on the basis of instructions, she has stated that the victim has suffered a fracture of body mandible of both

sides, fracture of bilateral nasal bone and soft tissue scalp edema in left temporal and frontoparietal region. She has produced a copy of the relevant extract of the case diary wherein the statement of the victim is recorded, he has stated that the applicant is habitual of consuming liquor and he has misbehaved with her on earlier occasions also. On the date of the incident also, the applicant had come to her house in an inebriated condition and he was hurling dirty abuses and upon objecting against it, he had assaulted her. An eye witness has supported the allegations.

6. Having considered the facts and circumstances of the case and without making any further observations which may affect the outcome of the case, I am of the view that the aforesaid facts do not warrant discretion of this Court by granting pre arrest bail to the applicant.

7. The anticipatory bail application is ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 15.12.2023

Pradeep/-