

Court No. - 16

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 143 of 2023

Applicant :- Akbar Ali

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Civil
Secrt. Lko. And 2 Others

Counsel for Applicant :- Jalaj Kumar Gupta, Ankur Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Jalaj Kumar Gupta, the learned counsel for the applicant and Smt. Parul Kant, the learned A.G.A. for the State and perused the record.

2. By means of the instant applicant, the applicant has sought cancellation of order dated 15.12.2022 passed by the Judicial Magistrate, Utraula, District Barabanki granting bail to the opposite party no. 2 and the order dated 17.12.2022 passed by the Judicial Magistrate, Balrampur granting bail to the opposite party no. 3. The applicant had also filed an application for cancellation of the bail orders before the Session Judge, Balrampur and his application was rejected by means of an order dated 09.10.2023.

3. The learned counsel for the applicant has submitted that the opposite parties no. 2 and 3 had assaulted the victim by entering into his house and the injuries were grievous in nature.

4. A perusal of the orders dated 15.12.2022 and 17.12.2022 indicate that the learned Magistrate has taken into consideration the relevant facts of the case and has granted bail after noting that the offences alleged carry a maximum punishment of imprisonment upto seven years, that the applicants are women also having no criminal history and they are entitled to be

granted bail in view of the law laid down by Hon'ble Supreme Court in the cases of **Satender Kumar Antil Vs Central Bureua of Investigation**, 2022 10 SCC 51, **Siddharth Vs. State of U.P.**, (2021) 1 SCC 676 and **Aman Preet Singh Vs. C.B.I through Director**, 2021 SCC OnLine SC 941. There appears to be no illegality in the orders granting bail to the opposite parties no 2 and 3. No subsequent event has been brought to the notice of the court warranting variance of the aforesaid orders.

5. In view of the aforesaid discussions, the application lacks merits and the same is accordingly **rejected.**

(Subhash Vidyarthi,J.)

Order Date :- 16.12.2023

Preeti.