

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14816 of 2023

Applicant :- Akib

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

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, Sri J.S. Tomar, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 253 of 2023, under Section 147, 148, 149, 452, 323, 325, 307, 504, 506 I.P.C., registered at Police Station Safipur, District Unnao.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 07.09.2023 against 11 persons including the applicant, stating that the informant and co-accused Wasim Ahmad had contested election for being elected as Corporator, co-accused Wasim Ahmad was elected and since then he and his family kept animosity against the informant. For this reason, at about 09:30 pm on 06.09.2023, all the accused persons entered the house of the informant's brother Mohd. Saleem and they assaulted the persons present there and when the informant and some other person tried to save him, they were also beaten up. The F.I.R states that two persons from the informant's side had received fractures in the incident.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is a 24 years old innocent persons having no criminal history and he has been falsely implicated in the present case.
5. Four persons from the informant's side have received injuries in the incident and co-accused Wasim Ahmad has received fractures on his head, which is grievous in nature.
6. An F.I.R No. 262/2023 was lodged from the applicant's side on 14.09.2023 against 14 named persons and some other persons. It has also been submitted that the co-accused Salman

has already been granted bail by this court by means of an order dated 02.12.2023, passed in Criminal Misc. Bail Application No.14116 of 2023.

7. The learned A.G.A. as well as the learned counsel for the informant have vehemently opposed the bail application and they have submitted that numerous persons have got injuries in the incident, including grievous injuries caused to two persons and they had to be referred to higher centers for their treatment.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the persons from both the side have received injuries in the incident and co-accused Wasim Ahmad has received grievous injury on his head; the F.I.R levels general allegations against all the accused persons and no specific allegation has been levelled against the applicant, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 16.10.2023, whereas a co-accused has been granted bail and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Akib** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

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(Subhash Vidyarthi,J.)

Order Date :- 15.12.2023

Ram.