

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15014 of 2023

Applicant :- Sunil Kumar @ Pintoo Tiwari

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

Counsel for Applicant :- Aman Kumar Shrivastav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Aman Kumar Srivastav, learned counsel for the applicant, Sri Pragya Nand Rai, the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 486 of 2021, under Sections 323, 504, 506 & 308 IPC, Police Station Imliya Sultanpur, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.11.2021 against four persons, including the applicant, stating that while the applicant was in inebriated condition, he had he had abused the informant's son and thereafter all the accused persons had assaulted him with sticks and bricks.
4. The medico legal examination report of the informant's son mentions two lacerated wounds in his parietal region and a lacerated wound near his eye and a contused swelling and he has suffered a fracture in left frontal bone of head.
5. An FIR bearing Case Crime No. 487 of 2021 was lodged from the applicant side also against three persons, including the informant and his injured son, alleging that they had beaten up the applicant and his uncle. The applicant and his uncle have received injuries in the incident, although the same are simple in nature.
6. The parties belong to one family.
7. The learned A.G.A. has opposed the bail application and he has submitted that the injuries caused by the applicant has been opined to be grievous in nature.

8. Investigation stands completed and the police has submitted charge sheet in furtherance of the present FIR and also in furtherance of the FIR lodged from the applicant's side.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant and another person from his side have also suffered injuries in the incident and coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 17.11.2023 and without making any observation, 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 in the aforesaid case.

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

11. Let the applicant-***Sunil Kumar @ Pintoo Tiwari*** 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 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.

Order Date :- 19.12.2023

Pradeep/-