

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15038 of 2023

Applicant :- Munim @ Vimlesh Kumar

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

Counsel for Applicant :- Rakesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rakesh Kumar Tripathi, the learned counsel for the applicant, Sri J.S. Tomar, the learned Additional Government Advocate-I for the State and perused the record.

2. It is alleged in the prosecution case that the accused persons have beaten the injured persons after abusing them by kicks, fists, lathi and danda. In the statement of injured Ram Swaroop role of causing injury on the head by rod has been assigned to the present applicant. The injury report of the injured Ram Swaroop depicts parietal bone fracture. Learned counsel for the applicant submits that other two injured persons have received simple injuries. They have only complain of pain.

3. Learned counsel for the applicant submits that charge-sheet in the matter has been filed. There is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail. The offences are punishable up to seven years.

4. The applicant has been languishing in jail since 23.11.2023. No purpose will be served by keeping the applicant in jail. The applicant has no criminal history. It has also been submitted on behalf of the applicant that the co-accused Sarvesh and Shivram have already been enlarged on bail by this court by means of orders dated 02.05.2023 and 20.10.2022, passed in Criminal Misc. Bail Application Nos.13933 of 2022 and 12120 of 2022 respectively.

5. Learned A.G.A. has opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

6. Considering the facts and circumstances of the case, including the fact that the applicant has no criminal history, the

applicant is in jail since 23.11.2023, maximum punishment is up to seven years and the applicant already incarcerated for several months, without expressing any opinion on the merits of the case, I am prima facie satisfied that it is a fit case for enlarging the applicant on bail.

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

8. Let the **applicant-Munim @ Vimlesh Kumar** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 20.12.2023
Ram.