

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14949 of 2023

Applicant :- Sunil Kumar And Another

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Dharmendra Kumar Gupta holding brief of Sri Narendra Gupta, the learned counsel for the applicants, Sri Amitabh Chaturvedi, the learned A.G.A. 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. 0135 of 2022, under Sections 323, 504, 506 and 308 I.P.C., registered at Police Station Hargaon, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.03.2022 at 19.30 hrs. against four persons including the applicant alleging that due to an old animosity all the accused persons beaten up the informant and his family members. Prior to lodging of the F.I.R. in question a F.I.R. bearing No.0134 of 2022, under Section 323, 504 I.P.C. and Section 3 (1) (Da), 3 (1) (Gha), 3 (2) (Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been lodged on 19.03.2022 at 19.10 hrs. against the present informant and three other persons regarding same incident. Three persons from the side of the applicant have suffered injuries in the incident and the copies of their injury reports have been annexed along with the affidavit filed in support of bail application.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the applicant and two other persons from his side have also received injuries in the incident and they had lodged the F.I.R. of the alleged incident prior to lodging of the present F.I.R.; that the applicant has no previous criminal history and he is languishing in jail since 02.06.2023 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 crime.

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

8. Let the applicants ***(i) Sunil Kumar & (ii) Pradeep Kumar*** be released on bail in Case Crime No. 0135 of 2022, under Sections 323, 504, 506 and 308 I.P.C., registered at Police Station Hargaon, District Sitapur 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 :- 18.12.2023

Pradeep/-