Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2943 of 2023
Applicant :- Vaibhav Singh @ Shishu Singh
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
Counsel for Applicant :- Murli Manohar Srivastava,Kushagra Tiwari,Upmanyu Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Murli Manohar Srivastava, the learned counsel for the applicant as well as Ms. Charu Singh, the learned A.G.A. appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 214 of 2023, under Sections 143, 147, 148, 307, 326, 447, 506 I.P.C., registered at Police Station Sohra Mau, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.12.2023 against ten persons, including the applicant, stating that the accused persons forcibly took possession of the land of the informant's father and they were raising boundary wall around the land for the past two days and they poured petrol on her father on 12.12.2023 and set him ablaze.

4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, he has falsely been implicated in the present case for the reason that a dispute regarding the land in question was going on in Case Crime No. 5273 of 2023 in the Court of Sub Divisional Magistrate, Hassanganj, Unnao, instituted by the applicant's

father- Surya Kumar Singh. The aforesaid case was decided in favour of the applicant's father by means of a judgment and order dated 17.11.2023, a report submitted by the Revenue Inspector was accepted and demarcation was ordered to be carried out on the spot.

5. On 30.11.2023, the Tehsildar had passed an order constituting a team of officials for carrying out demarcation on the spot and accordingly demarcation was carried out on the spot on 09.12.2023.

6. It has further been stated that after demarcation of the disputed land on the spot, the applicant's father had secured the disputed land by raising a boundary wall around the land on 9th December itself. The victim has committed self immolation and newspaper reports to this effect were published online on 12.12.2023 at 12:12:27 i.e. immediately after the incident and the F.I.R.

7. The learned A.G.A. has opposed the prayer for bail and she has submitted that the victim has suffered burned injuries and he had to be hospitalized. However, although the F.I.R states that the victim was saved by persons present nearby and some passersby and he was taken to the hospital, no persons had come forward to give his statement to the investigating officer.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there was a property dispute between the parties, which had been settled by the competent authority by ordering demarcation and demarcation had actually being carried out on the spot, but the informant had alleged that there was a property dispute due to which the accused persons had forcibly taken possession of the land in dispute without making any mention of the order passed by the

competent court; that there is no eye witness of the incident as alleged in the F.I.R; and that the dispute having already been settled in favour of the applicant, prima facie there appears to be no motive for them to cause the incident; that no independent person has given statement implicating the applicant and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant- **Vaibhav Singh @ Shishu Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023
Preeti.

Digitally signed by :-
PREETI GAUTAM
High Court of Judicature at Allahabad,
Lucknow Bench