

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2971 of 2023

Applicant :- Chandra Prakash Mishra Alias Guddu

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

Counsel for Applicant :- Amar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amar Singh, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Complaint Case No. 1163 of 2022, under Section 307 IPC, Police Station Pachpedwa, District Balrampur.
3. The aforesaid case has been registered on the basis of a complaint filed against seven persons, including the applicant, stating that the accused persons had snatched away Rs. 4,600/- and wrist watch from the complainant and upon resistance he was beaten up with sticks, a shot was fired with a country made pistol and his motorcycle was damaged.
4. The complainant was medically examined on 29.06.2022 and his medico legal examination report mentions two contused abrasion on back on right scapular region and complaint of pain on both hips.
5. In the statement of the complainant recorded under Section 200 Cr.P.C., he stated that he is an advocate. He further stated that the applicant had fired a shot towards him with a country made pistol and he assigned specific roles to all the other accused persons.
6. It has further been stated by the complainant that a property dispute is going on between the complainant's brother and co-accused Pankaj.
7. It has further been stated in the affidavit that the applicant is directly approaching this Court because the complainant is an

advocate and an office bearer of the Bar Association at Balrampur and one of the witnesses is also an office bearer and the other witnesses is also a practicing advocate, therefore, the applicant has no hope to get anticipatory bail from the Sessions Court, Balrampur.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident allegedly took place on 26.06.2022 and the medical examination of the complainant was conducted on 29.06.2022; the medico legal examination report mentions two simple injuries, which are not attributable to a gun shot fire by the applicant; a property dispute is going on between the parties and the applicant has no criminal history 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 during pendency of the trial.

10. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Chandra Prakash Mishra Alias Guddu*** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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.

Order Date :- 20.12.2023

Pradeep/-