

Court No. - 33

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14312 of 2023

Applicant :- Ram Avadh @ Oodal

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

Counsel for Applicant :- Avikshit Mishra, Ankit Singh, Jyoti Rawat, Prashant Kumar Mishra, Rakesh Kumar Mishra, Ram Samujh Rawat, Shri Prakash Pandey

Counsel for Opposite Party :- G.A., Santosh Kumar Tirpathi, B/S2793

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned counsel for the applicant, learned counsel for the first informant through video conferencing and perused the record.

This application has been moved by the applicant - Ram Avadh @ Oodal to enlarge him on bail in Case Crime No. 229 of 2023, under Sections 323, 504, 506, 325, 307, 34 IPC, Police Station B.B.D., District Lucknow.

It is submitted by the learned counsel for the applicant that as per FIR general role is assigned to all the three accused persons. The role assigned to the present applicant is of exhortation only. Co-accused Akshay Khan, who has been assigned the role of thrashing the injured, has already been granted bail by this Court, hence, the applicant is also entitled for bail on the ground of parity. Regarding criminal history of one case, it is submitted that the applicant is on bail in that case. He is languishing in jail since 26.09.2023, hence, the prayer for bail is made.

Learned counsel for the first informant opposed the prayer and submitted that there is criminal history of one case against the present applicant, wherein the same accused thrashed the wife of Atar Singh, the injured in the present case.

From perusal of the FIR, it is found that in the FIR there is general allegation of assaulting the injured with baton, stick and axe by all the three accused persons but in the statement of the injured, the role of catching hold is assigned to co-accused Akshay Khan, who has been granted bail by this Court. The role assigned to the present applicant is of exhortation and assault with *lathi*.

It is admitted that one case shown as criminal history against the applicant is under Sections 323, 504, 506 IPC, wherein the applicant has been bailed out. So far as the present case is concerned, as per injury report, a fracture in the forearm of the injured is found. The applicant is said to be languishing in jail since 26.09.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant - **Ram Avadh @ Oodal** involved in the aforesaid case be released on bail on furnishing personal bonds and **two sureties of Rs.50,000/- each** subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 1.3.2024

Radhika