

Court No. - 69

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3000 of 2025

Applicant :- Gaurav Kumar And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prasoon Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Sri Sunil Kumar Kushwaha, Advocate has filed Vakalatnama on behalf of the opposite party no.2-informant. The same is taken on record.
2. Heard learned counsel for the applicants, Sri Sunil Kumar Kushwaha, counsel for the informant-opposite party no.2 and Sri Neeraj Kumar Sharma, learned AGA for the State and perused the material on record.
3. This application under Section 482 BNSS has been filed seeking anticipatory bail in Case Crime No. 223 of 2024, under Sections 323, 308, 325, 504 IPC, Police Station Noorpur, District Bijnor.
4. Counsel for the applicants contends that the applicants have been falsely implicated in the present case. In the alleged incident three persons received injuries. As per the medical report of all the injured, the injuries received by them were found simple in nature, except injury no.2 of Vishal was found grievous in nature. The said injury was a fracture on the nasal bone. It is contended that the said injury no.2 was although grievous in nature but not dangerous to life. Further, during the pendency of investigation, the applicants and the informant have entered into a compromise dated 26.03.2025. In the said compromise, it has been asserted that Vishal and Viresh sustained injuries in an accident. The settlement deed dated 26.03.2025 is annexed as Annexure 5 to the affidavit. At present no dispute survives between the parties. It is next contended that during the course of investigation, the applicants were granted benefit of Section 41-A Cr.P.C. Investigation has been completed. Charge sheet has been filed. The applicants have been summoned by the concerned court. Counsel for applicants further contends that the maximum sentence provided for the alleged offences is upto seven years. He submits that in view of the judgment of Hon'ble Supreme Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2021) 10 SCC 773***, the applicants are entitled to be enlarged on anticipatory bail. The applicants have no criminal history. The applicants have apprehension of their arrest in the above mentioned case. In case, the applicants are released on anticipatory bail, they will not misuse the said liberty.

5. Sri Sunil Kumar Kushwaha, counsel for the informant-opposite party no.2 does not dispute the submission raised by the counsel for the applicants. He submits that the informant has no objection, if the applicants are granted anticipatory bail.
6. Learned A.G.A. has opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.
7. The Supreme Court in the case of **Satender Kumar Antil (supra)** has laid down the guidelines with regard to enlargement of an accused on bail. The guidelines provided category/type of offences. One of the categories being Category-A are offences punishable with imprisonment of seven years or less. The Supreme Court in paragraph-3 of the aforesaid judgment has laid down the guidelines that after the filing of the charge sheet/cognizance ordinarily the summons are required to be issued permitting the appearance of the accused through Lawyer and the bail applications of the accused persons on appearance are to be decided without the accused being taken into custody or by granting interim bail. A perusal of the aforesaid guidelines would demonstrate that the liberty of an individual has been recognized by the Hon'ble Supreme Court in the aforesaid judgment in term of Article 21 of the Constitution of India.
8. It is further to be noted that as per Section 41 of the Code of Criminal Procedure also during investigation the liberty of an individual is protected in respect of an offence where the maximum punishment provided is upto seven years.
9. It is not the case of the opposite party that applicants were arrested for the alleged offences during investigation and it is also not the case of the opposite party that the applicants had not co-operated in the investigation. Once no apprehension has been raised with regard to the conduct of the applicants and the applicants have been charge-sheeted and summoned in respect of offence in which punishment provided is upto seven years, then in view of the judgment of the Supreme Court in **Satender Kumar Antil (supra)**, the liberty of the individual is required to be protected.
10. It is not shown by learned AGA that the nature and gravity of allegations are such that the same would disentitle the applicants for relief of anticipatory bail. No material, facts, circumstances or concern been shown by learned AGA for the State that the accused may tamper with the evidence or witnesses or accused is of such character that his mere presence at large would intimidate the witnesses or that accused will use their liberty to subvert justice or tamper with the evidence.
11. It is settled principle of law that the object of bail is to secure the attendance of the accused. No material particulars or circumstances suggestive of the applicants fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

12. Having regard to the submissions made by learned counsel for the applicants, considering the nature of accusations and antecedents of the applicants, in particular the fact, that as per the medical report of all the injured, the injuries received by them were found simple in nature, except injury no.2 of Vishal, the fact that the said injury was although found grievous in nature but not dangerous to life, investigation has been completed, charge sheet has been filed, the applicants had co-operated in the investigation, no custodial interrogation is required, and the fact that the offences against the applicants are punishable up to seven years and adhering to the guidelines provided in the judgment of the Supreme Court in **Satender Kumar Antil (supra)**, without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on anticipatory bail.

13. In the event of arrest, the applicants **Gaurav Kumar, Taan Singh @ Taana, Prince and Ravi**, involved in the aforesaid case crime be released on anticipatory bail during pendency of trial, on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) the applicants shall make themselves available on each date fixed in the matter by the court concerned;

(ii) the applicants 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 from disclosing such facts to the Court;

(iii) the applicants shall not leave India without the previous permission of the Court and if they have passport the same shall be deposited by them before the concerned court.

14. In default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

15. The application stands disposed of.

Order Date :- 21.4.2025

Lbm/-