

Court No. - 14

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 909 of 2024

Applicant :- Bhola Pal @ Yash Pal

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

Counsel for Applicant :- Shradha, Shubham Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Jaspreet Singh, J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

The instant application has been filed seeking anticipatory bail in FIR/Case Crime No.0436/2021, under Sections 504, 506, 147, 307 IPC, relating to police station Sarojni Nagar, District Lucknow.

The submission of the learned counsel for the applicant is that the applicant has been falsely implicated.

It has further been submitted that as per the version contained in the FIR, it is alleged that the applicant as well as the other co-accused were seated in Tata Zest Car. In order to cause harm to the brother of the complainant, they crashed the said car against the brother of the complainant in terms whereof, he received severe injuries. Thereafter, he was admitted to the Lok Bandhu Hospital from where he was referred to S.K.D. Hospital.

The submission of the learned counsel for the applicant is that it is a false statement. If at all, the version is taken to be true even then the car could have been driven only by one person as alleged in the FIR.

The incident was captured in CCTV Footage as stated in the FIR, however, no recording could be retrieved wherein the applicant could be seen in the entire incident.

The allegation is that the applicant was sitting in the car and this is at the behest of certain person, who are said to be independent witness. However, even this is incorrect as they could not have known or recognized the applicant.

It is also submitted that the applicant does not have any

criminal history. He is a 20 years of boy who has been falsely implicated. It is also submitted that the other co-accused have already been enlarged on bail and now in order to create pressure the applicant is under an impending threat of being arrested.

It is further submitted that the applicant has stable family background and deep roots in the society. Neither, the applicant is at the risk of fleeing justice or he can tamper with any evidence or influence any witness and in the aforesaid circumstances, the applicant be granted the benefit of the anticipatory bail.

Learned AGA, on the basis of material in the case diary available with him, has opposed the aforesaid the anticipatory bail could not dispute the fact .

Having considered the submissions and considering the facts and circumstances including the nature and gravity of the accusation, the antecedents of the applicant including that he has no criminal history and no apprehension has been expressed that the applicant is at flight risk, hence, this Court is of the opinion that the applicant can be granted the benefit of anticipatory bail. Accordingly, without expressing any opinion on the merits of the case, the instant anticipatory bail application is **allowed**.

In the event of arrest of the **applicant- Bhola Pal @ Yash Pal** involved in the aforesaid FIR/Case Crime Number, shall be released on anticipatory bail till the conclusion of trial on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the Court Concerned, with the conditions:-

- (a) that the applicant shall make himself available for interrogation by the police officer as and when required;
- (b) 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;
- (c) that the applicant shall not tamper with the evidence during the trial;
- (d) that the applicant shall not pressurize/ intimidate the prosecution witness;

(e) that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

In case of breach of any of the above conditions, the court concerned shall have the liberty to cancel the bail granted to the applicant.

It is made clear that observations made in granting anticipatory bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 30.4.2024

Rakesh/-