

Court No. - 12

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 1444 of 2024

Applicant :- Lavkush

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Sri Nirmal Kumar Pandey, learned AGA appearing for the State and perused the material placed on record.

The instant application has been filed with a prayer to enlarge the applicant/accused on anticipatory bail in the interest of justice, in FIR/Case Crime No. 451 of 2022, u/s 308, 323, 504, 506, 342 I.P.C. relating to the Police Station -Khairabad, District -Sitapur.

As per the version of the prosecution, the four persons, including the applicant had beaten the husband of the complainant under the apprehension that he is going to initiate criminal proceedings against them. In the version of the F.I.R. it has been disclosed that one of co-accused, namely, Alok assaulted with 'Farsa', on the head of the injured.

The learned counsel for the applicant submits that due to enmity, name of the present applicant has also been implicated, though the allegation with respect to assaulting with 'Farsa' is against Alok and there is only one injury on the forehead of the injured and except apart there is no other injury of 'lathi' and 'danda', which is assigned to the present applicant along with the other co-accused persons. He also added that in fact on 10.11.2022 other persons visited the police station wherein the medical examination was also got done but no F.I.R. was lodged and, as a result the name of the present applicant has been implicated in the F.I.R.

He added that there is no criminal history against the applicant and he undertakes that he will

cooperate with the trial, therefore, the submission is that the applicant may be granted anticipatory bail.

On the other hand, learned counsel appearing for the injured as well as learned counsel for the State, have opposed the contention aforesaid and submitted that the applicant is named in the F.I.R. and body pain is evident from the injury report, therefore, the applicant is not entitled for any relief.

Considering the submission of learned counsel for the parties and after perusal of the material placed on record, it transpires that there is allegation against one co-accused, namely, Alok who assaulted with 'Farsa' and there is only one injury on the forehead of the injured except apart there is no other injury as per the weapon assigned to the present applicant, including other co-accused persons. Further, there is no criminal history against the applicant and he has undertaken that he will cooperate with the trial and will not misuse the liberty of bail.

In view of the above, the anticipatory bail application of the applicant is allowed.

Let the accused-applicant-**Lavkush**, be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i). that the applicant shall make himself available for interrogation by a police officer as and when required;

(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 leave India without the previous permission of the court;

(iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;

(v). that the applicant shall not pressurize/intimidate the prosecution witness;

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

(vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 28.6.2024

AKS