

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4847 of 2022

Applicant :- Atul Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mukesh Joshi

Counsel for Opposite Party :- G.A., Ram Prakash

Hon'ble Vivek Varma, J.

Heard Sri Mukesh Joshi, learned counsel for the applicant, Sri Mantosh Singh holding brief of Sri Ram Prakash, learned counsel for the informant and Sri Arun Kumar Pandey, learned AGA for the State-respondent.

It is contended that in the first information report, eleven persons have been nominated. The first informant was not an eye witness. Three persons have received injuries namely Habib Rehan, Brijbhan and Rajpal. The injuries of Habib Rehan and Rajpal are simple in nature. The injuries of Brijbhan, except the injury of fracture of phalanx of thumb, all the injuries are simple in nature. In the statement of injured persons no specific role has been assigned to the applicant. The applicant has not been identified as the principal offender, who caused any grievous injury to the injured Brijbhan. No test identification parade was conducted. There is no allegation with regard to demand of extortion money. The applicant has been falsely implicated. The applicant was not present at the spot. The applicant was earlier involved in Case Crime No. 312 of 2020, under Sections 170, 341, 384 IPC, P.S. Jaspur, District Udham Singh Nagar (Uttarakhan). In the said case the applicant has been enlarged on bail. The applicant is in jail since 29.11.2021 and in case he released on bail, he will not misuse the said liberty.

Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

Perused the material on record.

Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

Let the applicant **Atul Chauhan**, involved in Case Crime No. 627 of 2021, under Sections 147, 148, 323, 308, 504, 506, 325, 364 IPC, Police Station Thakurdwara, District Moradabad be released on bail on his furnishing a personal bond and two local sureties each in the like amount to the satisfaction of the court

concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 18.4.2022

Lbm/-