

## **Ravi vs State Of U.P. on 3 March, 2025**

**Author: Ashutosh Srivastava**

**Bench: Ashutosh Srivastava**

HIGH COURT OF JUDICATURE AT ALLAHABAD ?Neutral Citation No. - 2025:AHC:29808 Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42946 of 2024 Applicant :- Ravi Opposite Party :- State of U.P. Counsel for Applicant :- Gaurav Srivastav,Rajesh Kumar Srivastava Counsel for Opposite Party :- Akhilesh Kumar Tiwari,G.A.,Mohd Intesaf Khan Hon'ble Ashutosh Srivastava,J Supplementary affidavit has been filed by the applicant, which is taken on record.

Heard learned counsel for the applicant, learned counsel for informant and learned AGA for the State-Respondent and perused the record.

This bail application under Section 439 Cr.P.C. has been moved on behalf of accused-applicant, Ravi, seeking enlargement on bail in Case Crime No. 14, under Sections 326, 504, 506 of the Indian Penal Code, Police Station Dauki, District Agra.

The first information report was lodged against the applicant and two other with allegation that on 26.1.2021 at 10:00 a.m. that the applicant and two other accused persons started abusing informant's son and beaten badly. When the son of informant opposed them the applicant hit him with the butt of pistol in his right eye, due to which the son of informant suffered severe injuries.

Learned counsel for the applicant argued that the accused-applicant is innocent and he has been falsely implicated in this case crime number. It is next submitted that the role assigned to the applicant that he was having pistol and he beaten the injured with the butt of pistol. Subsequently, the statement of the injured recorded under Section 161 Cr.P.C. and the version of the FIR was changed to the effect that the applicant was beaten him with 'danda' and he suffered severe injuries in his eye. It is next submitted that from the allegation made in the FIR as well as statement of the injured is varied. All injuries alleged to have been sustained by the injured are simple in nature. He further submitted that the recovery of wooden stick (danda) was made at the pointing of applicant from an open place. There is no independent witness of the said recovery and the wooden stick (danda) recovered from the possession of the applicant does not have blood stains. Lastly, it is submitted that the applicant is in jail since 23.9.2024. The applicant has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, the bail has been prayed for.

Learned counsel for the informant as well as learned AGA has vehemently opposed, but could not dispute the aforesaid facts.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering

with the witness and prima-facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, Ravi, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

Order Date :- 3.3.2025 Md Faisal