



In the Court of Sessions Judge, Gautam Budh Nagar
Present: Avnish Saxena, H.J.S.
J.O.Code No. UP06527
Anticipatory Bail No.7590/2022
Dharmendra & Kalu @ Munder
Vs.
State of U.P.
ORDER

I	Name of applicant/accused and father’s name	Dharmendra S/o Sharma Yadav, Kalu @ Munder S/o Jhagadu Singh
II	Case crime no.	842/2017
III	Police Station	Phase III
IV	Offence under sections	143,147, 148, 307, 427, 353, 447, 506 IPC & 7 Criminal Law Act
V	Magistrate triable or Sessions triable	Sessions triable
VI	Date and time of registration of FIR	10.08.2017, 18:45 Hrs
VII	Date and time of occurrence	10.08.2017, 13:45 Hrs

1. Heard the learned counsel for the applicants, learned DGC (Criminal) and perused the record.
2. It is submitted by the learned counsel for the applicants that accused/applicants have been falsely implicated in the present case; accused/applicants are innocent and law abiding citizen; accused/applicants have not committed any crime regarding the present matter; accused/applicants have not created any ruckus in the duty of government officials; accused/applicants have not beat the government officials; police wants to arrest the accused/applicants in the present matter; hence the accused are entitled to be enlarged on anticipatory bail.
3. Per contra learned DGC (Criminal) has opposed the anticipatory bail of accused/applicant and stated that accused were involved in the present case, hence they are not entitled to be enlarged on anticipatory bail.
4. The prosecution case, in brief is such that informant Swadesh Ranjan Junior Engineer in work circle 5, Noida Authority when reached at Land Khasra No. 11, 37 and 114 on 10.08.2017 with lekhpal and police personals to stop the encroachment of government acquire land then Rambhool with his unknown companions came to the place and started

beating Swadesh Ranjan and torn the map of the land. When police personals and lekhpal try to save the informant then Rambhool went left threatening informant.

5. Considering the entire gamut of facts put forth and rival submissions made, I am of the opinion that accused/applicants shall be enlarged on anticipatory bail due to the prima facie observations:

In the present matter the FIR has been registered by the Authority against Rambhool and 25 other persons. After investigation the charge-sheet has been submitted against 10 accused persons. The allegation against the accused is about the encroachment of government land. The accused was on interim anticipatory bail and has appeared before the Court.

Order

The accused/applicants **Dharmendra & Kalu @ Munder** shall be released on anticipatory bail according to section 438 (2) Cr.P.C under following conditions:

1. Accused/applicants shall appear before the learned Court below and file personal bond of Rupees 50,000/- and two sureties each in the like amount and shall not delay the trial of the matter.
2. That applicant/accused shall be 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.
3. That applicant/accused shall not leave Indian without the previous permission of the court.

20.01.2023

(Avnish Saxena)
Sessions Judge
Gautam Buddha Nagar
ID No-UP06527