

20.10.2015

Bail application no.1841/2015

ORDER

This application for bail has been moved on behalf of the accused-applicants **Krishan Pal Singh, Vijay Pal Singh, and Mahipal Singh**, who are involved and detained in case crime no. 209/2015 u/s:308, 323, 325,504, 506 IPC,relating to P.S Noorpur District, Bijnor.

I have heard the learned counsel for the accused-applicants as well as learned DGC(Crl.) for the State and perused the case diary.

As per prosecution version, on 25-6-2015 at about 8 a.m. when complainant Sumit Chaduhary and others reached at their field and told the accused persons to fix Mendh to stop the water, accused persons abused them and assaulted Namit, Jagdeep, Devendra, Mahendra, Jagmohan and Raj Kumar by means of lathi, danda and iron rods and caused them injuries. On the basis of said written report a n N.C.R. was lodged on 25-6-2015.

Thereafter, injured persons were medically examined and as per injury report of injured persons, besides other injuries, injured Jagmohan sustained fracture of parietal bone.

On the basis of injury reports of injured persons a case u/s 209/2015 u/ss 323, 325, 504, 506, 308 I.P.C. was registered.

Learned counsel for the accused-applicants has submitted that accused-applicants have falsely been implicated in this case due to enmity. Infact on 25-6-2015 complainant of this case alongwith Namit, Jagmohan, and Mahendra having lathi danda entered in his house and assaulted accused-applicants of this case and caused them injuries, in respect of which a case at crime no. 259/2015 u/s 323, 452,

504, 506 I.P.C. was registered. There is no criminal history of the accused-applicants and they are on interim bail.

Learned DGC(Crl.)opposed the bail application and submitted that accused persons in furtherance of their common intention assaulted injured persons Namit, Jagdeep, Devendra, Mahendra, Jagmohan and Raj Kumar and caused them injuries and as per medical report of injured Jagmohan he sustained fracture of parietal bone including other injuries.

A perusal of case diary shows that initially in this case N.C. R. was lodged by the complainant against the accused-applicants and other co-accused persons.

As per injury reports of injured persons, all the injuries sustained by them were found simple except a fracture of of parietal bone of injured Jag Mohan. However, in his medical report, it has been no where mentioned that the condition of the injured was critical nor there is anything on record to show that the injured remained admitted in any hospital for a long period.

On the contrary,the medical report shows that the condition of the injured was average. The injuries has allegedly been caused by lathi-danda and that goes to show that the accused-persons were not having any deadly weapon with them at the time of occurrence.

Moreover, there is no criminal history of the accused applicants. Accused-applicants are on interim bail and they did not misuse of liberty of bail so far.

Considering all the facts and circumstances of the case , I find it a fit case for bail. Let accused-applicants be enlarged on bail subject to the following conditions :-

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1 - The applicants will furnish a personal bond of Rs. 40,000/- with two sureties each of like amount to the satisfaction of the court.

2 - The applicant will appear and strictly comply following terms of bond executed u/s 437 sub Sec. 3 of Chapter-33 of Cr.P.C.

(a-) applicants shall attend in accordance with the conditions of the bond executed under this Chapter.

(b-) applicants shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected, and

(c-) applicants 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.

3 -The applicant shall furnish a bond with sureties in amended Form 45, of 437 A Cr.P.C. including the following points-

“ After conclusion of the trial accused shall appear before the higher court as and when such Court issues notice in respect of any appeal or petition filed against the judgment within six months.”

4 – The applicants shall cooperate with investigation / trial.

5 – The applicants shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

Sessions Judge

Bijnor.

