

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2237 of 2023

Applicant :- Ramdas

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Dileep Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Supplementary Affidavit filed by the learned counsel for the applicant is taken on record.
2. As per office report dated 30.05.2023, notice of the instant application has been served on the opposite party nos.3 and opposite party no.4 through father of the victim. However, when the instant matter is taken up no one appears on their behalf nor any counter affidavit has been filed.
3. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party.
4. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No.15 of 2022, under Sections 354-B, 506 IPC and 7/8 Protection of Children From Sexual Offence Act, P.S. Talgram, District Kannauj during the pendency of the trial.
5. Learned counsel for the applicant submits that during the trial the victim was examined as PW-1. The victim in her cross examination-in-chief has not supported the prosecution version. She has denied the involvement of the applicant in the offence. A copy of the statement of the PW-1 is annexed as Annexure No.SA-1 to the supplementary affidavit. It is next contended that the applicant is in jail since 12.10.2022 having no criminal history and if he is released on bail, he will not misuse the said liberty.
6. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
7. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that during her examination-in-chief, the victim has not supported the prosecution version. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost 13 months and after

submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Ramdas** involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,
- (iii) shall not pressurize the prosecution witnesses.

9. 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 :- 1.11.2023
SFH