

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17539 of 2023

Applicant :- Phool Singh Verma

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

Counsel for Applicant :- Babban Prasad Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Babban Prasad Dwivedi, learned counsel for the applicant, learned AGA for the State and perused the record. None appeared from the side of the informant opposite party though he has been sufficiently served.

2. By means of this bail application, applicant seeks bail in Case Crime No.19 of 2023, under Sections 354, 342 IPC and Section 9/10 POCSO Act, Police Station Vishungarh, District Kannauj, during the pendency of trial.

3. Learned counsel for the applicant contends that due to previous enmity the applicant who is the senior family members of the victim aged about 72 years has been falsely implicated in such a shameful offence for which there is no eye-witness. It is also contended that there is contradiction between the statements of the victim recorded under Sections 161 and 164 CrPC in which on the one hand she stated that the accused had been caught in his house with the victim by her father but on the other hand she stated that she alongwith her elder sister ran away from the house of the accused and went to her own house and thereafter she told the story to her father which shows that the story of this case is concocted and fabricated one. Learned counsel for the applicant further submitted that as per medical report no internal or external injury was found on the person of the victim. There is no criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 10.02.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.

5. Considering the facts of the case that the applicant is aged

about 72 years, the circumstances that there is contradiction in the statements of the victim recorded under Sections 161 and 164 CrPC and the other submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Phool Singh Verma**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two 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.

7. 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 :- 5.12.2023

Shahroz