

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18054 of 2023

Applicant :- Rohit

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

Counsel for Applicant :- Kamlesh Kumar, Mrityunjay Singh, Sunil Kumar Tiwari, Vinod Kumar Tirpathi

Counsel for Opposite Party :- G.A., Afshan Shafaut

Hon'ble Vivek Varma, J.

1. Case called out. Counsel for the informant is not present.
2. Heard learned Counsel for the applicant and Sri Prateek Tyagi, learned A.G.A. for the State-respondent.
3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 225 of 2022, under Section 377, 323 IPC and Section 3/4 of POCSO Act, Police Station- Hastinapur, District- Meerut, during pendency of the trial.
4. There is allegation of attempt to commit unnatural offence against a minor boy.
5. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. The applicant did not act inappropriately with the victim. As per the medical report the injured has sustained a simple injury on the upper lip. The medical report does not support the prosecution version. It is next contended that the identically placed co-accused, Rohit S/O Sukrampal, has been granted bail by this Court in Criminal Misc. Bail Application No. 12250 of 2023 vide order dated 28.03.2023. The applicant claims parity. The applicant is in jail since 17.11.2022, having no criminal history. In case he is enlarged 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 counsel for the parties and having perused the record, this Court prima facie finds that as per the medical report

the injured has sustained simple injury on the upper lip. The medical report does not support the prosecution version. Identically placed co-accused, Rohit S/O Sukrampal, has been granted bail by this Court. Further, the applicant has no criminal antecedents and has remained confined for more than one year 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, 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- **Rohit**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 7.12.2023

Aditya