

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26947 of 2023

Applicant :- Abdul Razzak

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

Counsel for Applicant :- Dinesh Kumar Pandey, Farid Ahmad

Counsel for Opposite Party :- G.A., Subedar Shukla

Hon'ble Pankaj Bhatia, J.

1. Supplementary Affidavit has been filed stating that the offence was wrongly mentioned as 9M/10 of the POCSO Act whereas it is under section 9/10 of the POCSO Act.
2. Heard learned counsel for the applicant, Sri Subedar Shukla the counsel for the complainant as well as learned AGA and perused the record.
3. The accused-applicant seeks bail in Case Crime No.0116 of 2023 under section 354 IPC and section 9/10 POCSO Act, P.S. Asmoli, District Sambhal.
4. The FIR in question was lodged alleging the commission of the offence under section 354 read with section 9/10 of POCSO Act.
5. The counsel for the applicant argues that the applicant is aged about 75 years and the allegations levelled are prima facie false in view of the subsequent affidavit given by the informant that the FIR was lodged on being misled by the villagers. The said affidavit is on record at page no.37 of the paper book.
6. Considering the subsequent affidavit and prima facie the offence alleged is false coupled with the fact that the applicant who is aged about 75 years, is entitled to be enlarged on bail. Thus the bail application is allowed.
7. Let the applicant **Abdul Razzak** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount to the satisfaction of the court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the

hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant 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.

Order Date :- 1.11.2023

VNP/-