

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29717 of 2023

Applicant :- Pawan Kumar

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

Counsel for Applicant :- Surendra Kumar Tripathi

Counsel for Opposite Party :- G.A.,Deepak Kumar Patel

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, Sri P.K. Tiwari, Advocate holding brief of Sri Deepak Kumar Patel, learned counsel for the informant, learned AGA and perused the record.

2. The FIR in question was lodged alleging therein that applicant had tried to molest her minor daughter, aged about eight years when she was sleeping. The victim has narrated the story to the informant, who woke up after hearing her noise.

3. It is submitted by learned counsel for the applicant that the parties have settled their dispute and an affidavit to that effect has been filed, which is annexed at page no. 38, which indicates that FIR was got registered without any knowledge. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 13.09.2023, is entitled to be enlarged on bail.

3. Learned AGA has opposed the bail application.

4. Considering the facts and circumstances of the case and considering the affidavit filed by the informant, considering that the applicant has no criminal antecedents to his credit, the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

5. Let the applicant **Pawan Kumar** be released on bail in FIR No. 111 of 2023, under Section 354kha I.P.C. and section 9 POCSO Act, P.S. Trans Yamuna, district-Agra, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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

Faridul