

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31913 of 2023

Applicant :- Irfan

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

Counsel for Applicant :- Mohd. Khalil, Mohd. Afzal Ansari, Rajrshi Gupta

Counsel for Opposite Party :- G.A., Amit Daga, Durgesh Kumar Pandey, Shivamtyagi

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Sri Rajrshi Gupta alongwith Sri Mohd. Khalil, learned counsel for the applicant, learned AGA for the State, Sri Amit Daga, learned counsel for the informant and perused the record.
3. By means of this bail application, applicant seeks bail in Case Crime No.370 of 2016, under Section 376D IPC and Section 5G/16, 16/17 POCSO Act, Police Station Jani, District Meerut, during the pendency of trial.
4. This is the second bail application moved on behalf of the applicant. Earlier on 14.03.2023 though the bail application with regard to the accused, Shaukin was allowed but in respect of rest of the accused including the present applicant was rejected.
5. Learned counsel for the applicant submitted that the applicant has not committed any offence as alleged by the prosecution. Learned counsel for the applicant has relied on the statement on oath of the victim which has been annexed as annexure-1 to the supplementary affidavit in which the victim has clearly deposed that the present applicant had neither kept her in his vehicle nor raped or did any bad deed with her. There is no criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 08.07.2022. In case the applicant is released on bail, he will not misuse the said liberty.
6. Learned AGA and the learned counsel for the informant have opposed the prayer for bail but they could not dispute the aforesaid submissions advanced by the counsel for the applicant and also the contents of the statement on oath deposed by the

victim.

7. Considering the facts, circumstances and the submissions made as well as the statement on oath given by the victim, this Court is of opinion that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.

8. Let the applicant - **Irfan**, 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.

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 :- 28.11.2023

Shahroz