

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 33699 of 2023

**Applicant :-** Lakshminiya

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

**Counsel for Applicant :-** Raj Kumar Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. As per the report of CJM, Chitrakoot, the notice could not be served upon the informant/complainant as she is not living at the given address.

2. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the records.

3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 529 of 2020, under Sections 328, 120B I.P.C., Section 4 of POCSO Act, and Section 3(2) 5 of S.C./S.T. Act, Police Station- karwi, Kotwali Nagar, District- Chitrakoot, during pendency of the trial.

4. Counsel for the applicant submit that the applicant has been falsely implicated in the instant case. The applicant is a lady, she has not committed any crime. There is inordinate delay in lodging the F.I.R. It is a counter blast case when application under Section 156(3) Cr.P.C. was moved by the applicant against the informant and her family members on 14.5.2019 and when it was treated as complaint and after recording the evidence, the informant and her family members were summoned as accused on 29.1.2020, thereafter, the informant moved this present application u/s 156(3) Cr.P.C. to lodge the present F.I.R. It has been contended that except the statements of the informant u/s 161 & 164 Cr.P.C., there is no other evidence in support of the prosecution. It is lastly contended that the applicant is in jail since 25.12.2020, having no criminal antecedent to his credit and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned counsel for the informant as well as learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the

aforesaid submissions from the record.

6. Having regard to the submissions made above and the fact that the applicant has remained confined for almost three years and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when 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.

7. Let the applicant, **Lakshminiya**, involved in the aforesaid case be released on bail on her 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.

8. 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 :- 17.11.2023**

S.Verma