

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40250 of 2022

Applicant :- Sadik

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

Counsel for Applicant :- Satyendra Narayan Singh

Counsel for Opposite Party :- G.A., Sukrampal

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant, Sri Sukram Pal, learned counsel for the informant and learned AGA for the State-respondent.
2. 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. 377 of 2022, under Sections 354, 354A, 354D, 504, 506, 507, 328 IPC and Section 7/8 POCSO Act, Police Station Tilamodh, District Ghaziabad, during the pendency of trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case owing to certain other dispute between the parties. The victim is a minor girl. The allegations have emerged solely on account of the fact that the parents of the victim have totally disapproved the conduct of the applicant. The applicant did not act inappropriately with the victim. The Investigating Officer has not collected any indecent video of the victim. The applicant never demanded of money from the victim. The applicant is not a beneficiary of illicit transaction. The trial is moving at a snail's pace and shows no sign of early conclusion. It is next contended that the applicant is a student, whose career will be jeopardized as the result of the instant false case. The applicant had co-operated with the police investigation and had joined the trial. The applicant is in jail since 05.08.2022 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the Investigating Officer has not collected any indecent video/photographs of the victim. At present there is no substantive evidence against the applicant. The applicant has no criminal antecedents. The applicant 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.

6. Let the applicant **Sadik**, involved in the aforesaid case 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; and,

(iii) shall not pressurize the prosecution witnesses.

7. 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 :- 16.10.2023

Lbm/-