

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38046 of 2023

Applicant :- Anil Nishad @ Anil Kumar@ Bauwa

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

Counsel for Applicant :- Mithilesh Kumar Shukla

Counsel for Opposite Party :- G.A.,Abhilasha Singh,Shahid Ali Siddiqui

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Mithilesh Kumar Shukla, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record. None appears on behalf of opposite party no.2 even in the revised call though he has been served personally.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.241 of 2023, under Sections 354, 354Ka, 504, 506 IPC, Section 9/10 POCSO Act and Sections 3(2)5A, 3(1)(Dha) of the SC/ST (PA) Act, 1989, Police Station Rawatpur, District Kanpur Nagar, during the pendency of trial.

3. Learned counsel for the applicant submits that if version of the informant is accepted, it would be maximum a case of touching and kissing a minor girl by the applicant. Therefore, no offence is made out as levelled by the prosecution. The applicant has criminal history of one case which has been explained in paragraph-4 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 17.05.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Anil Nishad @ Anil Kumar@ Bauwa**, 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;

(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 :- 8.12.2023

Shahroz