

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39382 of 2023

Applicant :- Pintu @ Satyaprakash

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind Kumar Maurya, Om Prakash Verma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Arvind Kumar Maurya, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record. Notice has been served upon the informant but none is present on his behalf.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.309 of 2023, under Sections 363, 366A IPC and Section 16/17 POCSO Act, Police Station Bairia, District Ballia, during the pendency of trial.
3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. It is further contended that no offence as alleged has been caused as the victim had not reached the destination. Learned counsel for the applicant further contends that there is no previous criminal antecedents against the accused. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 10.08.2023. In case the applicant is released on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail and submits that in this case all the ingredients of the alleged offence have been completed. As soon as the victim left the guardianship of her parents and started journey on account of allurement of the accused applicant, the offence under Sections 363, 366, 109 IPC and Section 16/17 POCSO Act is made out.
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 - **Pintu @ Satyaprakash**, 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.

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

Shahroz