

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39740 of 2023

Applicant :- Naga @ Nagendra @ Raju

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

Counsel for Applicant :- Binod Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. 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.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 89 of 2023, under Sections 363, 366 I.P.C. and Section 16/17 POCSO Act, Police Station- Jaithra, District- Etah, during pendency of the trial.
3. Counsel for the applicant submit that the applicant has been falsely implicated in the instant case. The applicant is not named in the F.I.R., his name has been surfaced during the course of investigation. There is contradictions in the statements of both the victims. The applicant has not enticed the victims nor they were recovered from his possession. In the medico legal examination of both the victims, no injury has been found on any part of their body. It is next contended that co-accused, Indal, who has been assigned role of enticing, has been granted bail by coordinate Bench of this Court in Crl. Misc. Bail Application No. 30505 of 2023 vide order dated 23.9.2022. The applicant has no criminal history, he is in jail since 25.07.2023, in case, he is enlarged on bail, he will not misuse the said liberty.
4. 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.
5. Having regard to the submissions made above and the fact that the applicant has remained confined for four months 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.

6. Let the applicant, **Naga @ Nagendra @ Raju**, involved in the aforesaid case be released on bail on his 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.

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 :- 21.11.2023

S.Verma