

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 40737 of 2023

**Applicant :-** Abdul Rasheed

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

**Counsel for Applicant :-** Akhilesh Kumar Mishra

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

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

1. Despite service of notice, none has appeared on behalf of the informant/opposite party no.2.
2. Heard learned counsel for the applicant, 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. 137 of 2023, under Sections 363, 366, 354, 323, 506 I.P.C. and Section 7/8 of POCSO Act, Police Station- Rudhauli, District- Basti, during pendency of the trial.
4. Counsel for the applicants submit that the applicant has been falsely implicated in the instant case. Though the victim in her statement has supported the prosecution version, however, she has not stated that the applicant has committed offence with her. As a matter of fact, the present victim had gone with her elder sister who went with the applicant for solemnizing their marriage. The applicant has no criminal history. The applicant is in jail since 30.06.2023, in case, he is enlarged on bail, he will not misuse the said liberty.
5. 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 but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
7. Let the applicant, **Abdul Rasheed**, 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.

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 :- 8.11.2023**

S.Verma