

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40714 of 2023

Applicant :- D.M. Ram @ Dileep

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

Counsel for Applicant :- Atul Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Atul Pandey, learned counsel for the applicant, learned AGA for the State and perused the record. None appears on behalf of the informant even in the revised call though he has been served sufficiently.

2. By means of this bail application, applicant seeks bail in Case Crime No.235 of 2023, under Sections 363, 366, 328 IPC and Section 7/8 POCSO Act, Police Station Ahiraula, District Azamgarh, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. It is further contended that though, on the one hand, the victim in her statement recorded under Section 161 CrPC named the present accused but, on the other, in the statement recorded under Section 164 CrPC, she has not named the applicant which show that there are contradictions in the aforesaid statements of the victim. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 01.08.2023. In case, the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid submissions advanced by the counsel for the applicant could not be disputed by him.

5. Considering the facts, circumstances and the submissions made by learned counsel for the parties but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - D.M. Ram @ Dileep, 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 :- 7.11.2023

Shahroz