

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40578 of 2023

Applicant :- Sarfaraj Ahmad

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard 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.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.182 of 2023, under Sections 354, 504, 506 IPC, Section 7/8 POCSO Act and Sections 3(1)(da), 3(2)(va), 3(1)(w)(i) of SC/ST Act, Police Station Narhi, District Ballia, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case due to ulterior motive. There are contradictions in the statements of the victim recorded under Sections 161 and 164 CrPC. He has not committed any offence against the victim. It is further contended that there is criminal history of one case against the applicant which has been lodged against him when he was in jail. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 20.07.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. 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. Accordingly, the bail application is allowed.

6. Let the applicant - **Sarfaraj Ahmad**, 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 :- 19.10.2023
Shahroz