

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40516 of 2023

Applicant :- Arjun Kumar

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

Counsel for Applicant :- Praveen Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Despite sufficient service of notice, none has appeared on behalf of the informant/opposite party no.2.
2. Heard learned counsel for the applicant as well as 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. 118 of 2023, under Sections 354, 452 I.P.C. and Section 7/8 POCSO Act, Police Station-Nandganj, District- Ghazipur, during pendency of the trial.
4. Counsel for the applicant submit that the applicant has been falsely implicated in the instant case. There is inordinate delay in lodging the F.I.R. The victim has not been medically examined. The applicant is a married person and is a disabled person with 70% disability and in such circumstances he can not commit the offence as alleged in the F.I.R. There is no independent witness of the alleged incident. As a matter of fact there is dispute regarding land between the applicant and the informant that is why he has been implicated in this false case. The applicant has no criminal history, he is in jail since 09.08.2023, in case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned counsel for opposite party no. 4 as well as 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, **Arjun Kumar** 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 :- 19.10.2023

S.Verma