

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41815 of 2023

Applicant :- Aakash

Opposite Party :- State Of U.P.And 2 Others

Counsel for Applicant :- Virendra Kumar Gupta

Counsel for Opposite Party :- G.A.,Chakravarti Sisodia

Hon'ble Umesh Chandra Sharma,J.

1. Counter affidavit filed by learned counsel for the informant is taken on record.
2. Heard learned counsel for the applicant, learned counsel for the informant 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. 154 of 2023, under Sections 363, 366, 328, 504 I.P.C., Police Station- Sahpau, District-Hathras during pendency of the trial.
4. Counsel for the applicants submit that the applicant has been falsely implicated in the instant case. Learned counsel has stated that the victim has stated that she had not gone with the applicant and she was found alone at the Jhansi Railway Station. There is contradiction in the statements of the victim recorded under Section 161 & 164 Cr.P.C. Even from the statements of the victim, no offence is made out. In the medical examination of the victim, neither any external injury nor any intoxicating substance was found. The applicant has no criminal history, he is in jail since 01.07.2023, in case, he is enlarged on bail, he will not misuse the said liberty.
5. At this stage, learned counsel for the informant and learned A.G.A. contended that as per the High School Certificate, the victim is a minor of 14 years and as such her statement has no value in the eye of law.
6. In this regard, the statement of the mother of the victim has to be seen wherein she has stated that accused had administered some intoxication due to which the victim fell unconscious, however, no sexual or physical assault was made by the applicant.

7. Having regard to the submissions made above and considering the fact that there are contradictions in the statements of the victim and the applicant has no criminal history, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant, **Aakash** 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.

9. 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 :- 13.10.2023

S.Verma