

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42076 of 2023

Applicant :- Rubina

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

Counsel for Applicant :- Satish Chandra Dubey

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.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.10 of 2021, under Sections 363, 366, 323, 370, 372, 504, 506, 120B IPC and Section 16/17 POCSO Act, 1986, Police Station Baheri, District Bareilly, during the pendency of trial.
3. It is argued by the learned counsel for the applicant that the present applicant has been falsely implicated in the present case. It is further contended that there are variations in the statements of the victim under Sections 161 and 164 CrPC. It is also contended that the applicant being lady is entitled to the benefit of proviso to Section 437 CrPC. After conclusion of the investigation, charge-sheet has been submitted, hence the role of the victim is not at par to that of the main accused, Jeeshan. There is no previous criminal antecedents of the applicant. There is no likelihood of her abscondence or tampering with the evidence. The applicant is languishing in jail since 05.05.2022. In case the applicant is released on bail, she will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Rubina**, involved in the aforesaid case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

- (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 :- 17.10.2023
Shahroz