

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41418 of 2023

Applicant :- Ranu Alias Ranu Khan

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

Counsel for Applicant :- Sunil Kumar Srivastava

Counsel for Opposite Party :- G.A., Babita Upadhyay

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit, which are taken on record.
2. Heard Sri Sunil Kumar Srivastava, learned counsel for the applicant, Ms. Babita Upadhyay, learned counsel appearing for High Court Legal Services Committee, Allahabad - opposite party no. 3 and learned A.G.A.
3. None present to oppose the applicant on behalf of the informant in spite of service.
4. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 153 of 2022, under Sections 16/17 POCSO Act & 1 (1) Da, 3 (2) Va S.C. / S.T. Act, Police Station- Seharamau Dakshini, District- Shahjahanpur, during pendency of the trial.
5. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. From the statement of under Sections 161 and 164 Cr.P.C of the victim, it is clearly established that the victim was kidnapped, abducted by the applicant without her freewill and the applicant was chasing and enticing the victim since before the incident. There is also three criminal case of criminal history in the credit of applicant, which has been explained. It is next contended that the co-accused- Ravi, having similar role, have been granted bail by Co-ordinate Bench of this Court in ***Criminal Misc. Bail Application No. 22123 of 2022***, vide order dated 02.08.2022. Copy of the bail order has been annexed as Annexure No. 5 to the applicant. The applicant claim parity. The applicant is in jail since 13.04.2023. In case, he is enlarged on bail, he will not misuse the said liberty. Considering the period of incarceration, age of the applicant, the bail application is allowed.

6. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. 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.

8. Let the applicant, ***Ranu Alias Ranu Khan***, 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.
- iv. the applicant shall appear before the concerned S.H.O. on any day of first week of every month till the further order of 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 :- 01.12.2023.

Vinod.