

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42917 of 2023

Applicant :- Jayhind

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

Counsel for Applicant :- Prashant Agrawal, Saurabh Basu

Counsel for Opposite Party :- G.A., Manisha Chaturvedi

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Saurabh Basu, learned counsel for the applicant; learned AGA for the State; Ms. Manisha Chaturvedi, for High Court Legal Services Authority, none came forward from the side of informant 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.147 of 2023, under Sections 354-Kha, 506 IPC and Section 10 of POCSO Act, 2012, Police Station Rath, District Hamirpur, during the pendency of trial.
3. It is argued by the learned counsel for the applicant that it is a counter blast case as the Ram Avtar is the bosom friend of informant had killed the father of the accused. He was pressurizing the applicant to enter into compromise when he did not agree a false case has been fabricated in which the applicant has been implicated falsely. He further contended that there is no injury to the victim, no factual assault has been committed by the informant. The only allegation is that the applicant disrobed the victim. There is version in the statement under section 161 and 164 Cr.P.C. Learned counsel for the applicant further contends that there is no previous criminal antecedents against the accused. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 01.04.2023. In case the applicant is released on bail, he will not misuse the said liberty.
4. Learned AGA as well as Ms. Manisha Chaturvedi, for High Court Legal Services Authority have opposed the prayer for bail but has not disputed the aforesaid submissions of learned counsel for the applicant.
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-**Jayhind**, involved in the aforesaid case crime 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 :- 17.11.2023

Vikram