Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42646 of 2023

Applicant :- Garun Kumar Yadav
Opposite Party :- State Of U.P. And 3 Others
Counsel for Applicant :- Devottam Pandey
Counsel for Opposite Party :- G.A.,Ashok Kumar Maurya

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the records.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 141 of 2023, under Sections 354, 506 I.P.C., Section 7/8 of POCSO Act, Police Station- Dokati, District- Ballia, during pendency of the trial.

3. Counsel for the applicant submit that the applicant has been falsely implicated in the instant case. There is contradiction in the statements of the victim recorded under Section 161 and 164 Cr.P.C. The victim has denied to undergo medical examination. The offence is triable by Court of Magistrate. It is lastly contended that the applicant is in jail since 23.08.2023 having no criminal history to his credit, in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the informant as well as learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for four months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Garun Kumar Yadav** 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.

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 :- 8.11.2023
S.Verma

Digitally signed by :-
SANDEEP KUMAR VERMA
High Court of Judicature at Allahabad