

Court No. - 76

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 674 of 2023

Applicant :- Omveer

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Nagendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

1. Heard learned counsel for the applicant, Sri Tarun Kumar Srivastava, learned counsel for the accused/opposite party no.2, learned A.G.A. for the State and perused the record.

2. The present bail cancellation application has been filed with the prayer to cancel the bail of the accused/opposite party no.2- Ravindra Kumar, granted by Special Judge, POCSO Act, Court No.1st, Moradabad by order dated 31.5.2023 in Bail Application No.2189 of 2023 (Ravindra Kumar Vs. State of U.P.), Case Crime No.175 of 2023, under Sections 354, 354-D, 504, 506, 452 IPC, Section 67-A I.T. Act and Section 7/8 POCSO Act, P.S. Bilari, District Moradabad.

3. It is submitted by learned counsel for the applicant that the present bail cancellation application has been filed for cancellation of the bail granted by the court below by order dated 31.5.2023. It is submitted that the court below has incorrectly recorded the finding that the POCSO Act would not be applicable in the case. It is submitted that the accused/opposite party no.2, on social media, has addressed the daughter of the applicant as his girlfriend and has stated that he loves her. It is submitted by learned counsel for the applicant that in the facts and circumstances of the case, the POCSO Act would be applicable.

4. On a pointed query being made to learned counsel for the applicant as to how POCSO Act would be applicable in the case where there is no indecent remark, learned counsel for the applicant could not show any material.

5. Considering the fact that the matter pertains to love affair and both applicant and victim are young persons, this Court does not deem it fit to interfere in the bail order passed by the court below and as such, the bail cancellation application is **rejected**.

Order Date :- 5.12.2023

D. Tamang