

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43139 of 2023

Applicant :- Sarfaraj And Another

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

Counsel for Applicant :- Gurfan Ali

Counsel for Opposite Party :- G.A.,Sumit Goyal

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, 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 applicants on bail in Case Crime No. 107 of 2023, under Sections 363, 366-A, 120-B I.P.C. and Section 16/17 POCSO Act, Police Station- Chilkana, District- Saharanpur, during pendency of the trial.
3. Counsel for the applicants submit that the applicant has been falsely implicated in the instant case. The F.I.R. has been lodged belatedly. The victim has denied to undergo medical examination. The victim was neither enticed by the applicant nor was she recovered with them. In her statement u/s 161 and 164 Cr.P.C. the victim has not supported the prosecution version and has stated that she loves applicant Shoyab. The applicants have no criminal, they are in jail since 14.08.2023, in case, they are enlarged on bail, they will not misuse the said liberty.
4. 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 but without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.
6. Let the applicants, **Sarfaraj** and **Shoyab**, involved in the aforesaid case be released on bail on their 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 applicants shall not temper with the prosecution evidence;

- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants 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 :- 4.12.2023

S.Verma