

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43507 of 2023

Applicant :- Amandeen

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

Counsel for Applicant :- Ram Raksha Tiwari,Ravindra Kumar Patel

Counsel for Opposite Party :- G.A.,Rajesh Kumar Singh

Hon'ble Vivek Varma,J.

1. Three supplementary affidavits have been filed by learned counsel for the applicant. The same are taken on record.
2. Placing reliance upon the order dated 13.10.2023 passed by the Special Judge, POCSO, Banda, learned counsel for the applicant contends that name of the applicant may be corrected as "Amandeep" in place of 'Amandeen'.
3. Learned A.G.A. and Sri Rajesh Kumar Singh, learned counsel for the informant, do not dispute the said prayer.
4. Accordingly, the name of the applicant be corrected by the learned counsel for the applicant during the course of the day. Office shall carry out necessary correction in the computer database also.
5. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Sri Rajesh Kumar Singh, learned counsel for the informant.
6. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 212 of 2023, under Sections 363, 366 I.P.C. and 16/17 Protection of Children from Sexual Offences Act, Police Station Naraini, District Banda during the pendency of the trial.
7. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The victim in her statements under Sections 161 and 164 Cr.P.C. has stated that she had left her house voluntarily. She went to Jhansi and thereafter to Bangalore. There is no allegation of kidnapping or abduction or

inappropriate behaviour against the applicant. The criminal history of the applicant has been explained in Paragraphs-3 of the supplementary affidavits dated 30.10.2023 and 06.11.2023. The applicant is in jail since 21.08.2023 and if he is released on bail, he will not misuse the said liberty.

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

9. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the victim in her statements under Sections 161 and 164 Cr.P.C. has stated that she had left her house voluntarily and there is no allegation of kidnapping or abduction or inappropriate behaviour against the applicant. Moreover, the applicant has remained confined for almost two months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

10. Let the applicant- Amandeep, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,
- (iii) shall not pressurize the prosecution witnesses.

11. 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
SKT/-