

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43510 of 2023

Applicant :- Pashupati Singh

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

Counsel for Applicant :- Akhilendra Choubey, Raj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Despite the service, no one appears on behalf of the respondent no.2.

2. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

3. The FIR in question was lodged alleging that the grand-daughter of the informant gone to the shop of the applicant on 30.07.2023 where in the presence of eyewitnesses, the applicant misbehaved with the grand-daughter and touched her improperly.

4. The contention of the Counsel for the applicant is that the applicant has been wrongly implicated with the offence in question. He argues that even as per the information given in the first information report primarily, no offence can be said to be made out and even if the same is punishable for a term of less than 7 years. The applicant is in custody since 31.07.2023 and has no criminal antecedents.

5. Learned A.G.A. vehemently opposed the bail prayer.

6. Considering the fact that the offence as alleged against the applicant is punishable for a term of less than 7 years and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Pashupati Singh*** be released on bail in FIR/ Case Crime No.238 of 2023, under Sections 354, 323 IPC and Section 9M/10 of the POCSO Act and Sections 3(2)(Va), 3(1)(W)

(i) of SC/ST Act, Police Station Maniyar, District Ballia on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 21.11.2023

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