

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44751 of 2023

Applicant :- Karan

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

Counsel for Applicant :- Dev Prakash Sharma, Priyanka Devi

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri Dinesh Kumar Gupta, learned Counsel for the complainant and perused the record.
2. The FIR in question was lodged alleging that the accused had come to the house of the informant and has misbehaved with the daughter of the informant. The statement under Section 164 of Cr.P.C., which is on record at page 34 of the bail application, reveals that the victim had disclosed her age as 19 years and has stated that the accused had tried to commit misbehaved as alleged in the FIR.
3. In the light of the abovesaid statement, the Counsel for the applicant argues that the applicant has been wrongly implicated in the present case. He further argues that in between the parties, there is a dispute with regard to the property and grazing of the buffalo, which resulted into lodging of the FIR.
4. Learned A.G.A. vehemently opposed the bail prayer and the Counsel for the complainant strongly opposed the bail prayer. The Counsel for the informant argues that the offence is against the society and should be punished severely.
5. Considering the submissions made at the bar and from the perusal of the FIR, prima facie, the allegation with regard to the commission of the offence under Section 354 is made out, however, the same are not corroborated under Section 164 of Cr.P.C. and on the basis of the allegations levelled, all the offences are punishable for a term of less than 7 years coupled with the fact that the applicant has no criminal history and is in custody since 29.09.2023, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Karan*** be released on bail in FIR/ Case Crime No.114 of 2023, under Sections 354, 457, 323 IPC and Section 8 of the POCSO Act, Police Station Panwadi, District Mahoba 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 :- 31.10.2023

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