

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44869 of 2023

**Applicant :-** Aadil

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Wahaj Ahmad Siddiqui

**Counsel for Opposite Party :-** G.A.

**Hon'ble Sameer Jain,J.**

1. Heard Sri M.Z.Huda, learned Advocate, holding brief of Sri Wahaj Ahmad Siddiqui, learned counsel for the applicant and Dr.S.B.Maurya, learned AGA-I, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.0154 of 2023, under Sections 354A, 376 and 506 IPC, Police Station Mughal Sarai, District Chandauli during pendency of the trial.

3. FIR of the present case was lodged on 21.5.2023 under Sections 354A and 506 IPC against the applicant and according to the FIR, on 10.5.2023 applicant tried to outrage the modesty of the daughter of the informant and tried to make sexual assault upon her.

4. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and in the FIR there was no allegation of rape against the applicant and when the statement of victim was recorded under Section 161 Cr.P.C. then she made allegation of rape against the applicant but when her statement under Section 164 Cr.P.C. was recorded then she again reiterated the version of the FIR and did not make any allegation of rape against the applicant and this fact clearly

suggests that victim is not reliable witness and applicant due to enmity has been made accused in the present matter.

5. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 29.7.2023.

6. Per contra, learned AGA although opposed the prayer for bail but could not dispute that victim is major girl and there are material contradictions in the story narrated in the FIR as well as in both the statements of the victim recorded during investigation.

7. I have heard learned counsel for the parties and perused the record of the case.

8. Considering the fact that victim is major girl and there are material contradictions in the version of FIR and in both the statement of the victim recorded during investigation, in my view, applicant is entitled to be released on bail.

9. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant-**Aadil** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

**Order Date :- 8.11.2023**  
SKM