

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45074 of 2023

Applicant :- Shivam @ Nanak Ram

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

Counsel for Applicant :- Jai Prakash Singh,Raj Kiran Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. No one appears for the informant despite notice.
2. Heard learned counsel for the applicant, learned AGA and perused the record.
3. The accused-applicant seeks bail in Case Crime No.239 of 2023 under sections 354, 323, 504, 506 IPC and section 7/8 POCSO Act, P.S. Rohaniya, District Varanasi.
4. The FIR was lodged alleging that the applicant had caught hold the hand of the daughter of the informant and misbehaved with her and abused her. In the statement under section 161 Cr.P.C., which is on record, the victim had stated that the applicant was trying to catch hold the hand of the victim and was trying to misbehave. Based upon the said, the offences have been alleged.
5. The counsel for the applicant argues that the offence alleged against the applicant are punishable for a term less than seven years. The criminal antecedents in between the same party has been duly disclosed.
6. Considering the punishment prescribed for the offence being less than seven years and there being no material on record to demonstrate that the applicant if enlarged on bail can adversely affect the trial and the fact that the accused is nineteen years of age, the applicant is entitled to be enlarged on bail. Thus the bail application is allowed.
7. Let the applicant **Shivam @ Nanak Ram** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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 :- 2.11.2023

VNP/-