

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45222 of 2023

Applicant :- Shashank Maan

Opposite Party :- State of U.P.

Counsel for Applicant :- Harshit Gupta, Ramanand Gupta

Counsel for Opposite Party :- G.A., Arvind Kumar
Srivastava, Virendra Singh

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Harshit Gupta, learned counsel for the applicant, learned AGA for the State, Sri Arvind Kumar Srivastava, learned counsel for the informant and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.311 of 2023, under Sections 498A, 323, 504, 506, 377 IPC and Section 3/4 DP Act, Police Station Dhampur, District Bijnor, during the pendency of trial.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the applicant has lost his job in the year 2021 since then the informant left the applicant and started living separately in her maternal house. It is also contended that the injury pointed on behalf of the informant on the rectum or anus is not the result of unnatural sex though it may occur due to some diseases like fistula or piles. Except the version of the informant there is no evidence on record to establish that an unnatural sex had been committed by the applicant with the victim. There is no any internal or external injury on the person of the victim/informant. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 22.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the learned counsel for the applicant from the record.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Shashank Maan**, 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 the 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;

(iii) shall not pressurize the prosecution witnesses.

7. 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 :- 30.11.2023

Shahroz