

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45853 of 2023

Applicant :- Manu@ Ranvijay

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

Counsel for Applicant :- Raja Ram Kushwaha

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The FIR in question was lodged alleging that the applicant had misbehaved with the daughter of the informant who was 14 years of age. The statement was corroborated in the statement of the victim under Section 164 Cr.P.C., with regard to non-penetrative assault. Contention of learned counsel for the applicant is that the offences alleged against the applicant are punishable for a term less than seven years. As regards the allegation under Section 3(1)W of SC/ST Act, it is alleged that there is no averment that the act was done knowing that she belongs to Scheduled Castes or Scheduled Tribes, as such, according to the counsel for the applicant, *prima-facie*, Section 3(1)W of SC/ST Act is not made out.

3. Learned AGA has opposed the bail application.

4. Considering the submissions made at the Bar coupled with the fact that the applicant has no criminal antecedent and the offences alleged against the applicant are punishable for a term less than seven years, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Manu @ Ranvijay*** be released on bail in FIR No.175 of 2023, under Section 452, 354 IPC, Section 8 of POCSO Act & Section 3(1)(W)(I), 3(2)(Va) of SC/ST Act, P.S. Muskara, District Hamirpur on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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

nishant