

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46093 of 2023

Applicant :- Sameer Khan

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

Counsel for Applicant :- B.N.Singh, Manish Kumar Singh

Counsel for Opposite Party :- G.A., Manisha Chaturvedi

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Manish Kumar Singh, learned counsel for the applicant, learned AGA for the State, Ms. Manisha Chaturvedi, learned counsel for the High Court Legal Services Committee and perused the record. Informant, opposite party no.4 has been sufficiently served but has not come forward to oppose the bail application.

2. By means of this bail application, applicant seeks bail in Case Crime No.323 of 2023, under Sections 363/366 IPC and Section 7/8 POCSO Act, Police Station Kotwali Orai, District Jalaun, during the pendency of trial.

3. Learned counsel for the applicant submitted that as per educational certificate the victim was aged about 13 years old at the time of commission of crime but in her statement under Sections 161 and 164 CrPC she has stated that she was aged about 18 years old. She further contends that her parents wanted to settle her marriage with any other person against her wish and after knowing it she voluntarily left her house and went with the applicant to Jhansi on her own free will and choice. It is also contended that from the statement of the victim under Sections 161 and 164 CrPC it is crystal clear that the victim was in love with the applicant and wanted to marry with him. Therefore, it can be said that neither she was allured nor was enticed by the applicant. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 18.05.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Considering the facts, circumstances and the submissions

made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Sameer Khan**, involved in the aforesaid case crime 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 :- 23.11.2023

Shahroz