

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48099 of 2023

Applicant :- Paras

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

Counsel for Applicant :- Surya Nath Bhatt, Gaurav Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Gaurav Kumar Srivastava, learned counsel for the applicant, learned AGA for the State and perused the record. None appeared on behalf of opposite party nos. 2, 3 and 4 even they have been served sufficiently.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 89 of 2023, under Sections 363, 366, 354 IPC and Section 3/18 POCSO Act, Police Station Civil Line, District Budaun, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that as per educational certificate the victim is below the age of 18 years. The victim has stated against the applicant in her statements under Sections 161 and 164 CrPC. However, she has denied that the applicant has committed any bad deed with her. She has clearly stated that she was not subjected to any sexual harassment by the accused. It is also contended that the victim has denied her medical examination, internal or external. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 27.04.2023. 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. 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 - **Paras**, 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 :- 8.12.2023

Shahroz