

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49210 of 2023

Applicant :- Usman

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

Counsel for Applicant :- Irfan Chaudhary, Yash Raj Verma

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. No one appears for the victim despite service of notice.
3. The FIR in question was lodged alleging the commission of offence under Section 377 IPC. Subsequently as per the statement made in the trial court, the victim as well as the informant turned hostile. The said statements are on record as Annexures No.7 and 8.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that the victim and the informant turned hostile before the trial court and the applicant has no criminal antecedents, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is **allowed**.
6. Let the applicant **Usman** be released on bail in FIR/ Case Crime No.78 of 2023, under Section 377 IPC and Section 5m/6 of the POCSO Act, Police Station Kandhla, District Shamli on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each 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 :- 20.11.2023

akverma