

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50007 of 2023

Applicant :- Lal Mohan

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kr Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 222 of 2023, under Sections 363, 366 IPC, Police Station- Lalpur/ Pandeypur, District- Varanasi, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. As per the report of the Chief Medical Officer, the victim is aged between 16 to 17 years. It is a case of failed relationship between the parties. The allegations have emerged solely on account of the fact that the parents of the victim have totally disapproved the conduct of the applicant. Referring to the statement of the victim under Section 164 C.P.C., it is stated that the victim had gone with the applicant to Muzaffarnagar voluntarily. The applicant is in jail since 13.08.2023, having no criminal history, and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.

5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that as per the report of the Chief Medical Officer, the victim is aged between 16 to 17 years. At this stage, there is no substantive evidence against the applicant. Further, the applicant has no criminal antecedents and has remained confined for almost four months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on

bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Lal Mohan** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 13.12.2023

Aditya