

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 196 of 2023

Applicant :- Mohamad Amir

Opposite Party :- State Of U.P. Thru. Secy. Dpett. Of Home Lko. And 3 Others

Counsel for Applicant :- Ashok Kumar Dubey, Azam Shafeequi, D.P. Dutt

Tiwari, Dinesh Kumar Gupta, Neel Kisan, Satyendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri D.P. Dutt Tiwari, learned counsel for the applicant, Sri Amitabh Chaturvedi, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.315 of 2022, under Sections 354, 354Gha, 504, 506, 509 I.P.C. and 3(1)Da, 3(1)Dha, 3(2)(v) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, 7/8 POCSO Act, registered at Police Station Alambagh, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.11.2022 alleging that the applicant used to stalk the informant on the way to her college. She told it to her brother, who caught hold of the applicant at about 8:20 AM on 18.11.2022. She further alleged that on several occasions the applicant tried to make her fell down from her bicycle by hitting her with his scooty.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. State has filed a counter affidavit annexing therewith copies of the material collected during investigation. In the statement of the victim recorded under Section 161 Cr.P.C. she reiterated the FIR version but in her statement recorded under Section 164 Cr.P.C., she added

allegations of commission of offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that allegations of commission of offence under SC/ST Act were not leveled either in the FIR or in the statement recorded under Section 161 Cr.P.C. and it has been added subsequently; that the offences alleged carry a maximum punishment of imprisonment up to 5 years; that the applicant has no previous criminal history and he is languishing in jail since 18.11.2022 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant**-Mohamad Amir be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 16.11.2023
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