

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11028 of 2021

Applicant :- Puneet Kumar @ Puneet

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

Counsel for Applicant :- Dilip Kumar Singh Chauhan, Praveen Kumar, Saroj Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present bail application has been filed by the applicant seeking bail in Case Crime No. 0208 of 2021, under Section 377 I.P.C. and 5/6 Protection of Children from Sexual Offences Act, P.S. Sandana, District-Sitapur.
3. As per the version of F.I.R. a seven year old son of the first informant who was playing in the nearby field, was lured and put to unnatural sex by the accused-applicant Puneet Kumar.
4. It is contended on behalf of the applicant that he has been falsely implicated in this case because of local politics and pressures. It is further contended that the statement under section 164 Cr.P.C. has been elicited from the victim by tutoring. The applicant is in custody since 17.05.2021 i.e. more than 2 and half years now. The applicant is having no criminal history and that he cannot be detained for indefinite period without testing the truthfulness of the allegations and that the trial is going on.
5. It is further contended that he will cooperate in the trial and will not misuse the liberty granted on bail.
6. The application for bail is opposed by the learned A.G.A. highlighting the medical report copy, whereof is available on record. On the basis of medical report, it is argued that the case is coming under section 377 I.P.C. however, it is conceded that the applicant is in custody since quite long and that he has no previous criminal history.
7. It is further apprised to this Court that the trial is going on and that an affidavit has been filed by father of the victim (the first informant) in favour of the accused.
8. I went through the contents of the F.I.R., the statement given by the victim under sections 161 and 164 Cr.P.C. including the staking into account all the facts and circumstances of the case, as well statement of the witnesses, the medical report of the victim as well as other material facts of the case, the period of custody, absence of any previous criminal history and all the attending facts and circumstances of the case, I find it a fit case for bail.

9. Let applicant - **Puneet Kumar @ Puneet** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

10. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

11. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 17.11.2023

Sumit Kumar