

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2217 of 2022

Applicant :- Purnesh Kumar @ Anuj

Opposite Party :- State U.P. Thru.Prin.Secy. Home Lko. 3 Others

Counsel for Applicant :- Arvind Kumar Kanaujea, Gaurav Singh, Rajendra Singh Chauhan, Shailesh Sachan

Counsel for Opposite Party :- G.A., Vijay Kumar

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shailesh Sachan, learned counsel for the applicant, Sri Anant Pratap Singh, 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.347 of 2021, under Sections 377, 504, 506 I.P.C. and Section 5M/6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kachhauna, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.06.2021 alleging that the applicant had sodomized the informant's 8 years old mentally retarded son on 16.06.2021, while the informant was away. The informant came to know about the incident upon returning to the village on 18.06.2021.
4. Medico legal examination report of the victim does not mention any injury on any part of his body. In the statement of the victim recorded under Section 164 Cr.P.C. he stated that neither the applicant had torn his cloths nor was the victim disrobed.
5. Copy of the relevant extract of case diary annexed with the counter affidavit indicates that in the pathological report of anal smear swab, no spermatozoa was seen.
6. 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.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 03.01.2022 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.

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

10. Let the **applicant-Purnesh Kumar @ Anuj** 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 :- 2.11.2023
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