

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3040 of 2023

Applicant :- Zeeshan Kuraishi

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

Counsel for Applicant :- Dharm Trivedi, Amit Kumar Awasthi, Ashish Mishra, Sarvesh Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

(Order on bail application)

1. Heard Sri Anand Kumar Shukla the learned counsel for the applicant as well as Sri Gyanendra Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 861 of 2022, under Section 354D, 506 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, registered at Police Station Mohammadi, District Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 30.12.2022 against the applicant and one Jaskaran, stating that the accused persons tease the informant's daughters aged about 12 and 14 years and asked their mobile numbers.
4. In the statement of the victim recorded under Section 164 Cr.P.C, she stated that the accused persons has harassed them on the way to school, ask their phone numbers and stalk them.
5. In the affidavit filed in support of the 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.
6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the offences alleged carry a maximum punishment of imprisonment upto five years, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 30.12.2022 and without making any observations 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.
8. Accordingly, this bail application stands **allowed**.
9. Let the applicant- **Zeeshan Kuraishi** be released on bail in the aforesaid case,

on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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.

(Order on Short Term Bail Application No. IA/09/2023)

10. This is an application seeking release of the applicant on short term bail for a period of one month. As the applicant has already been granted bail therefore, the application has become infructuous.

11. Accordingly, the application is **dismissed as infructuous**.

(Subhash Vidyarthi,J.)

Order Date :- 28.10.2023

Preeti.