

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5485 of 2023

Applicant :- Raj Kumar

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

Counsel for Applicant :- Satyendra Kumar Tiwari, M.V.S. Chauhan, Ram Milan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ram Milan Yadav, learned counsel for the applicant, Sri Arpit Kumar, 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.65 of 2023, under Sections 323, 352, 353Kha, 427, 452, 34 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Lambhua, District Sultanpur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.03.2023 against five named persons, including the applicant, and an unknown person, alleging that when a birthday party and some cultural program was going on in the informant's house in the evening of 02.3.2023, the applicant and co-accused, Abhishek who lives in the neighborhood, started misbehaving with the ladies of the family. Clothes of a lady were torn. All the accused persons entered informant's house and disturbed the stage and interrupted the program. Clothes of two girls were torn and one person received injuries in the incident. Both girls have assigned the role of tearing the clothes against another co-accused person.
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. Applicant's involvement in two other cases has been disclosed in para 18 of the affidavit in one of which the applicant has

not received any notice and in the other case, he has been granted bail. Abhishek and Sunita have been granted bail by the Sessions Court whereas the applicant has been languishing in jail since 06.05.2023

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been languishing in jail since 06.03.2023 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-Raj Kumar** 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
prateek