

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 996 of 2023

Applicant :- Deepak Verma

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

Counsel for Applicant :- Pawan Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pawan Kumar Sharma, the learned counsel for the applicant, Ms. Ankita Tripathi, the learned AGA for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in Complaint Case No. 92 of 2021, under Sections 452, 354, 323, 504, 506 IPC & 9 (g)/10 POCSO Act, Police Station Fakharpur, District Bahraich.

3. By means of an order dated 27.04.2023, notice was issued to the informant-opposite party no. 2. The office has submitted that the notice has been served upon the opposite party no.2 personally but no body has put in appearance to oppose the anticipatory bail application.

4. The aforesaid case has been registered on the basis of an application under Section 156(3) Cr.P.C. alleging that on 07.08.2021, co-accused Kamlesh and Ranjit were cutting a tree of the informant and upon being objected, they had beaten up the informant and her daughters. An FIR bearing Case Crime No. 306 of 2021, under Section 323, 504, 506 IPC lodged in this regard at Police Station Fakharpur. On 11.08.2021 also the accused persons had beaten up the informant and her family members. On 15.08.2021, the applicant, co-accused Kamlesh and Sugna entered the informant's house and started doing obscene activities with her minor daughters and they had beaten them up.

5. In the statement of the complainant recorded under Section 200 Cr.P.C., she merely stated that the accused persons had beaten up the complainant and her daughters at 08:00 am on 07.08.2021 and she further alleged that they did

obscene activities with her daughters but she did not make a mention of any incident that occurred on 15.08.2021, as alleged in the complaint.

6. The learned counsel for the applicant has submitted that co-accused Kamlesh, has already been granted bail by means of an order dated 08.08.2023 passed by this court in Criminal Misc. Anticipatory Bail Application No. 1755 of 2023.

7. The leaned 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, I am of the view that the applicant is also entitled to be granted anticipatory bail in the present case.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Deepak Verma** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023/Preeti.