

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5869 of 2023

Applicant :- Srinayak @ Mantu Gaud

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

Counsel for Applicant :- Niyaj Ahmad, Manoj Kumar Nishad, Pradeep Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashutosh Mishra, the learned counsel for the applicant as well as Sri Rakesh Kumar 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. 08 of 2023, under Section 354-Kha, 506 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act and 66E of Information Technology Act, and Sections 3(2)(5) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Ahirauli, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 11.01.2023 alleging that on 06.01.2023, the applicant forcibly took the informant inside a sugarcane field, disrobed her and clicked her nude photographs and on 08.01.2023, the informant came to know through her relative Agya Ram that her nude photographs were being spread virally.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

5. It has further been stated in the affidavit that there was a love affair between the applicant and the informant and he has been falsely implicated under pressure of the informant's family, particularly her brother-in-law Agya Ram.

6. The State has filed a counter affidavit opposing bail application and the

relevant extract of case diary indicates that one Agya Ram has handed over a pen drive containing nude photographs of the informant and he has stated that he got the same from some villager.

7. Prima facie it appears that no such evidence has come to light during investigation as may indicate that the photograph was clicked and was forwarded by the applicant to any other person.

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

9. Having considered the aforesaid facts and circumstances of the case, coupled with the fact that the applicant is languishing in jail since 15.01.2023 and merely charges have been framed and not a single witness has been examined by the trial court, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

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

11. Let the **applicant- Srinayak @ Mantu Gaud** 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.

(Subhash Vidyarthi,J.)

Order Date :- 1.12.2023

Preeti.