

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6227 of 2023

Applicant :- Sahibe

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

Counsel for Applicant :- Vinod Kumar Yadav, Asha Singh, Atul Verma, Gopal Krishna Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri G.K. Dixit, the learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A.-I for the State and perused the records.

2. This is the second application seeking release of the applicant on bail in Case Crime No.256 of 2022, under Sections 504/506/153-A/293/354 I.P.C., Section 7/8 of Protection of Children from Sexual Offences Act, 2012 and Section 3/5 of U.P. Prohibition of Unlawful Conversion of Religion Ordinance, registered at Police Station P.G.I. District Lucknow. The first Criminal Misc. Bail Application No.9457 of 2022 was rejected by means of an order dated 27.02.2023.

3. The second application for bail has been moved on the ground that the statements of the informant and the victim have been recorded after rejection of the first bail application. The copies of the statements have been annexed along with the affidavit and the learned counsel for the applicant has pointed out some discrepancies in the statements. The victim has stated that when the applicant had caused injury on her hand, she could not know about it. She stated that she had herself sent a photograph of her injured hand to the applicant.

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 and he has no criminal history.

5. The State has filed a counter affidavit opposing the bail application. 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 statement of the informant and the victim have already been recorded by the learned trial court and the statements of the aforesaid persons have already been recorded; that the applicant will not be in a position to influence the witnesses; that the applicant is a young man having no previous criminal history and he is languishing in jail since 06.05.2022 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.

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

8. Let the **applicant-Sahibe** 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 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 :- 6.12.2023
Ram.