

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8138 of 2023

Applicant :- Lalla Singh

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

Counsel for Applicant :- Janendra Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Janendra Kumar Verma, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in case crime no.412 of 2020, under Sections 354, 452, 323, 324, 504 and 506 I.P.C. and 7/8 POCSO Act, P.S.Isha Nagar, District Lakhimpur Kheri.

03. As per version of the F.I.R., the accused persons entered into the house of the first informant in the night carrying knife and he molested his daughter aged about 14 years. When the first informant and his wife protested the accused applicant Lalla, his mother, his wife and his sister-in-law (bhabhi) abused and assaulted them.

04. It is contended on behalf of the applicant that the applicant and his other family members have been falsely implicated by the first informant because of bitter relationship between them. The story is concocted one. The victim's statements given under Section 161 Cr.P.C. are at variance with the statements given under Section 164 Cr.P.C. The story in the F.I.R. too is quite different with the statements under Section 161 Cr.P.C/164 Cr.P.C. Doubtful injury in the nature of incised wound has been shown in the medical report. The medical report is not worth reliance as it has been prepared after two days of the incident. All the family members have been implicated in this case.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that that the applicant is having no criminal antecedents and that he is in jail since 25.08.2020 i.e. since more than three years.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Lalla Singh** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on

the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 20.11.2023

Asha