

**Court No. - 28**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 9283 of 2022

**Applicant :-** Aman Ali

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

**Counsel for Applicant :-** Sukh Deo Singh, Paritosh Shukla

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Jyotsna Sharma, J.**

1. Heard learned counsel for applicant and learned A.G.A. for the State.
2. The present bail application has been filed by the applicant seeking bail in case crime no. 0809 of 2021, under sections 354(ga), 354(gha), 506, 504 IPC, sections 7/8 POCSO Act registered at Police Station-Kotwali Nagar, District-Pratapgarh.
3. As per the version in the FIR, 16 year old daughter of the first informant was lured by one Riyaz Ali and she was sexually assaulted by him. Certain photographs were taken and thereafter she was being blackmailed and sexually exploited by him and was compelled to have physical relationship with him on threats of making those photographs public. This incident reportedly occurred on 20.06.2021 at about 9.30. It is alleged in the FIR that the first informant's neighbour Aman Ali (applicant) received the objectionable photographs on his mobile phone, sent by the main accused-Riyaz Ali and he too tried to blackmail the victim girl by threatening her to make the photographs viral unless she submitted to his unreasonable demands.
4. It is contended on behalf of the applicant that in this case, an FIR has been lodged after four months of the incident, ascribing the main role to Riyaz Ali. All the allegations of sexually assaulting the girl, threatening her and exploiting her on the pretext of making the photographs public and viral, are against the main accused-Riyaz Ali. The applicant's case stands on a different footing altogether, as he was not the person who actually exploited the girl. The only allegation is that he too threatened the victim girl to submit to his unreasonable demands. No photographs were ever made public by him and the applicant never indulged in any objectionable act with the victim girl. In fact there is no evidence against him and no offence against him is made out. It is further said that the applicant is in custody since about 1½ years and has no criminal antecedents. He has no connection with this case and he has been falsely implicated just because he belonged to the circle of the main accused.
5. The application for bail is opposed by learned A.G.A., however it is conceded that the applicant has no criminal history prior to this case and the applicant is in custody since last more than 1½ years.
6. I considered the nature of allegation, role ascribed to the applicant, evidence proposed to be produced, period of detention, absence of previous criminal history and all other facts and circumstances of the case. In my view, a case for bail is made out.

7. Let applicant - **Aman Ali** 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 (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.*

*(iv) It is further provided that before issuing the release order, present and 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.*

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

9. 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 :- 22.11.2023**

**\*Vikram\***