

Court No. - 12

Case :- CRIMINAL REVISION No. - 934 of 2022

Revisionist :- Tarun Pasi (Minor) Thru His Mother Mithilesh Kumari

Opposite Party :- State Of U.P. Thru Prin.Secy. Home Lucknow And Anr.

Counsel for Revisionist :- Ramendra Kumar, Anjali Dubey, Rajiv Mishra, Soniya Mishra Soni Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard Mrs. Anjali Dubey, learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

2. This Criminal Revision has been filed with a prayer for allowing the same; for quashing the judgement & order dated 17.08.2022 passed by Special Judge (P.O.C.S.O. Act), Court No.14, District- Sitapur in Crl. Appeal No.37 of 2022 arising out of Case Crime No.219 of 2022 U/s 306, 352, 354, 504, 506 I.P.C., Section 7/8 of P.O.C.S.O. Act, Police Station- Maholi, District- Sitapur as well as order dated 13.07.2022 passed by Juvenile Justice Board, District- Sitapur.

4. Learned counsel for the revisionist submits that revisionist has been falsely implicated in the present case on the basis of incorrect facts. As per the prosecution case, it is undisputed fact that victim of the present case committed suicide on 25.04.2022. In this connection, information of the said incident was given to concerned police station by father of victim, thereafter, inquest of body of deceased was conducted on 26.04.2022. It is further submitted that complaint was made to police officials who conducted the inquest of body of deceased and, thereafter, postmortem was also conducted. It is further submitted that after five days from the date of incident, F.I.R. of the case in question was lodged with the allegation that revisionist tried to outrage the modesty of victim when she was going along with two other girls; during the said incident, she raised alarm, hence, he went away by giving threat of murder. It is also submitted that as a result of above incident, victim committed suicide.

5. Submission of learned counsel for the revisionist is that all the facts mentioned in the F.I.R. were not reported to police officials who conducted the inquest of body of the deceased and

charge-sheet was filed in the most mechanical manner by Investigating Officer who did not ask from any witness that in case, any incident was reported by other girls as well as victim then why the same was not reported to police officials who conducted the inquest of the body of deceased. It is further submitted that revisionist does not have any criminal antecedent and co-accused, namely, Ashok Kumar has already been granted bail by this Court in Crl. Misc. Bail Application No.10369 of 2022 vide order dated 03.07.2023. It is further submitted that Juvenile Justice Board rejected the bail application of revisionist on the basis of incorrect facts without considering the contents of inquest report of body of deceased as well as contents of the F.I.R. including other documents and appellate court has also rejected the appeal. It is, thus, submitted that the present revision is liable to be allowed and revisionist may be enlarged on bail.

6. Learned A.G.A. opposes the prayer of revisionist and submits that as per the statement of companion of deceased recorded U/s 164 Cr.P.C., prosecution version has categorically been supported. He does not dispute this fact that inquest of body of deceased was conducted on the same day but no complaint was made to police officials who conducted the inquest of body of deceased about the act of revisionist as narrated in the F.I.R.

7. In view of the above, the present revision is **allowed** and the judgement & order dated 17.08.2022 passed by Special Judge (P.O.C.S.O. Act), Court No.14, District- Sitapur in Crl. Appeal No.37 of 2022 arising out of Case Crime No.219 of 2022 U/s 306, 352, 354, 504, 506 I.P.C., Section 7/8 of P.O.C.S.O. Act, Police Station- Maholi, District- Sitapur and the order dated 13.07.2022 passed by Juvenile Justice Board, District- Sitapur are hereby **set aside**.

8. Let revisionist, namely, **Tarun Pasi (Minor) Thru His Mother Mithilesh Kumari** be released on bail in Case Crime No.219 of 2022 U/s 306, 352, 354, 504, 506 I.P.C., Section 7/8 of P.O.C.S.O. Act, Police Station- Maholi, District- Sitapur on furnishing of a personal bond alongwith an undertaking on behalf of revisionist by his legal guardian/mother to the effect that he will not permit the revisionist to come in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice and provide no occasion to the revisionist whereby his release on bail would defeat the ends of justice, by his legal guardian/mother and two sureties each in the like amount to the satisfaction of the Court concerned subject to following conditions:-

(1) Revisionist will not try to influence the witnesses or tamper with the evidence of the case or otherwise misuse the liberty of bail.

(2) Revisionist will fully cooperate in expeditious disposal of the case and shall not seek any adjournment on the dates fixed for evidence when witnesses are present in the Court.

(3) Revisionist shall remain present, in person, before the Board on the dates fixed for (a) opening of the case; (b) framing of charge; and (c) recording of statement under Section 313 Cr.P.C. If in the opinion of the Board that absence of the revisionist is deliberate or without sufficient cause, then it shall be open for the Board to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Any violation of above conditions will be treated misuse of bail and Board will be at liberty to pass appropriate orders in the matter regarding cancellation of bail.

10. Office is directed to send back the trial court record, forthwith.

Order Date :- 11.10.2023

Arpan