

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10108 of 2023

Applicant :- Shyamu @ Shyam

Opposite Party :- State Of U.P. Thru. Prin.Secy. Home Deptt.

Counsel for Applicant :- Dinesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dinesh Kumar, learned counsel for the applicant, and Ms. Ankita Tripathi, learned Addl. Government Advocate, and perused the record.

2. By means of the instant application the applicant seeks bail in Case Crime No. 105 of 2023, under sections 354, 323, 504, 506, I.P.C., P.S. Gosainganj, District Lucknow.

3. The present case has been registered on the basis of a first information report lodged on 13.03.2023 against the applicant and one Pappu alleging that on 3.3.2023 the accused persons had molested and assaulted the informant. The informant's husband reached on the spot upon hearing the hue and cries raised by the informant. The accused persons threatened him also.

4. The victim in her statement recorded under Sections 161 and 164, Cr.P.C. has reiterated the F.I.R. version only.

5. In the affidavit filed in support of the 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. Co-accused Pappu alias Laxman Ram against whom allegation of commission of offence under Section 376, I.P.C. has also been added during investigation, has already been granted bail by means of order dated 25.9.2023 passed by this Court in Criminal Misc. Bail Application No. 9768 of 2023. There is no allegation of rape against the applicant. He is in jail since 16.3.2023 and he has no criminal history.

6. Having considered the aforesaid facts and circumstances of the case, 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. Accordingly, this bail application stands **allowed**.

7. Let the applicant **Shyamu alias Shyam** be released on bail in the aforesaid Case Crime No. 105 of 2023, under sections 354,

323, 504, 506, I.P.C., P.S. Gosainganj, District Lucknow, on his 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.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 18.11.2023
A.Nigam