

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11812 of 2022

Applicant :- Wali Hasan @ Mastan

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

Counsel for Applicant :- Rajat Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajat Pratap Singh, learned counsel for the applicant, Sri Rakesh Kumar Singh, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.225 of 2022, under Sections 354, 342, 323 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, 2012, 3(1)D, 3(1)Dha, 3(1)(W)(1) S.C./S.T. Act registered at Police Station Talgawn, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.06.2022 against the applicant and one Munna @ Waris Ali alleging that the applicant had taken her grand daughter to a *mazar* at about 4 pm on 13.06.2022 where the applicant sexually assaulted the informant's grand daughter. The victim and informant have supported the FIR allegations.
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 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 incident alleged to have taken place on 13.06.2022 whereas the FIR has been lodged on

24.06.2022; that the offences alleged carry a maximum punishment of imprisonment up to 7 years; that the applicant has no previous criminal history and he is languishing in jail since 26.06.2022 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-Wali Hasan @ Mastan** be released on bail in aforementioned 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 :- 21.11.2023
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