

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12045 of 2022

Applicant :- Pradeep Kumar

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Singh, the learned counsel for the applicant, Sri Manish Kumar Pandey, the learned AGA-I 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. 375 of 2022, under Section 354 IPC & Sections 7/8 POCSO Act, Police Station Motipur, District Bahraich.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.07.2022 alleging that one Ameeray and an unknown person tried to forcibly take the informant's minor daughter to a sugar can field and they molested her.
4. In the affidavit filed in support of bail application it has been stated that the applicant is a 22 years old innocent person having no criminal history.
5. The State has filed a counter affidavit annexing therewith copies of material collected during investigation.
6. In the statement of the informant and the victim recorded under Section 161 Cr.P.C., they have reiterated the FIR version and have not named the applicant. However, the applicant has been named in the statement of the informant recorded under Section 164 Cr.P.C. The source of knowledge of the applicant has not been disclosed in any of the statements.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
8. Having considered the aforesaid facts and circumstances of the case 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 case.

9. Accordingly, this bail application stands ***allowed***.

10. Let the applicant-***Pradeep Kumar*** be released on bail in the aforesaid 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.

Order Date :- 16.11.2023

Pradeep/-