

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12318 of 2019

Applicant :- Imran

Opposite Party :- State of U.P.

Counsel for Applicant :- Nand Lal Sharma, Arvind Bharti, Mukesh Kumar, Pushpa Singh, S.N. Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mukesh Kumar, learned counsel for the applicant, the 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.0627 of 2019, under Sections 354Ka I.P.C. and Section 7/4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Para, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.08.2019 alleging that the applicant had sexually assaulted the informant's daughter, aged about 7 years.
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. A copy of the statement of the victim recorded under Section 161 Cr.P.C. has been annexed in the affidavit filed in support of bail application.
6. The State has filed a counter affidavit opposing the bail application annexing therewith copies of the statements recorded under Sections 161 and 164 Cr.P.C. and there are major contradictions in the two statements.
7. Learned counsel for the applicant has submitted that trial has not

progressed although the matter is pending since 2019.

8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. 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 crime.

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

11. Let the **applicant-Imran** 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 :- 26.10.2023
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