

Court No. - 12

Case :- CRIMINAL REVISION No. - 1083 of 2023

Revisionist :- Poonam Verma Thru. Her Maternal Grandmother Israji

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

Counsel for Revisionist :- Shailendra Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Sri Brijesh Kumar Yadav, Advocate on behalf of opposite party no.2 is taken on record.

2. Heard learned counsel for the revisionist, learned counsel for the complainant as well as learned A.G.A. for the State and perused the record.

3. This Criminal Revision has been filed with the following prayer:-

"To allow the revision and set-aside the impugned judgment and order dated 02.09.2023 passed by the Additional Session Judge/Additional Session Judge(POCSO ACT) Court No. 3 Sultanpur, in Criminal Appeal No.108/2023, having C.N.R. NO. UPST 01-005070-2023 Poonam verma V/S State of U.P. and impugned judgment and order dated 17.07.2023 passed by Juvenile Justice Board, Sultanpur having Juvenile Case No. 332/2022, CRIME NO. 226/2022, under section-302, 201, IPC, Police Station-Sangrampur, District- Amethi and further prayed that may kindly be pleased to allow the bail application and release the revisionist on bail."

4. Learned counsel for the revisionist has submitted that the revisionist is innocent and has been falsely implicated in the present case. Learned counsel for the revisionist submitted that earlier the revisionist was having affair with the victim and she was insisting for marriage but the family members of the revisionist were not agreeing, thereafter the victim was called by the applicant and he was eliminated and body was hidden in the newly constructed house of the deceased. Search was conducted but the deceased was not traceable and thereafter on 07.10.2023 when the family members entered into the newly constructed house then his body was found in decomposed condition. He further submitted that there is no eye-witness and the chargesheet was filed by the investigating officer merely on

the basis of presumption and trying to connect with the circumstantial evidence but no any proper link was established by the investigating officer and thereafter bail application was filed before the Juvenile Justice Board which was rejected and an appeal was also made and the same was also rejected in the most mechanical manner on the contents of the statements of the witnesses. He also submitted that all other accused persons have already been enlarged on bail and there is no possibility of conclusion of trial in the near future, therefore order passed by the learned Trial Court is liable to be set aside and the revisionist is entitled for bail.

5. Learned A.G.A. has opposed the above contentions but conceded that co-accused has already been enlarged on bail.

6. In view of the above, the present revision is **allowed** and the impugned judgment and order dated 02.09.2023 passed by the Additional Session Judge/Additional Session Judge(POCSO ACT) Court No. 3 Sultanpur, in Criminal Appeal No.108/2023, having C.N.R. NO. UPST 01-005070-2023 Poonam verma V/S State of U.P. and impugned judgment and order dated 17.07.2023 passed by Juvenile Justice Board, Sultanpur having Juvenile Case No. 332/2022, CRIME NO. 226/2022, under section-302, 201, IPC, Police Station-Sangrampur, District-Amethi are hereby **set aside**.

7. Let revisionist, namely, Poonam Verma Thru. Her Maternal Grandmother Israji, be released on bail in in Criminal Appeal No.108/2023, having C.N.R. NO. UPST 01-005070-2023 Poonam verma V/S State of U.P. passed by the Additional Session Judge/Additional Session Judge(POCSO ACT) Court No. 3 Sultanpur, on furnishing of a personal bond alongwith an undertaking on behalf of revisionist by his legal guardian/grand father 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/grand father and two sureties each in the like amount to the satisfaction of the Court concerned subject to following conditions:-

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

(b) 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.

(c) 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.

8. 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.

Order Date :- 22.11.2023

Vipul