

Court No. - 12

Case :- CRIMINAL REVISION No. - 1155 of 2023

Revisionist :- Ankit Thru. His Father Lalji

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

Counsel for Revisionist :- Dharmendra Kumar Bhatt

Counsel for Opposite Party :- G.A., Adarsh Pratap Singh

Hon'ble Rajeev Singh, J.

1. Counter affidavit filed by learned A.G.A. is taken on record.
2. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.
3. This Criminal Revision has been filed for allowing the same; for quashing the order dated 19.07.2023 passed by learned Juvenile Justice Board, Lakhimpur Kheri in Bail Application No.62/2023 arising out of Case Crime No.184/2023 under Sections 363, 366, 376 I.P.C. and 5(j), 2/6 of POCSO Act, P.S. Fardhan, Lakhimpur Kheri as well as judgement and order dated 13.09.2023 passed by learned Special Judge, Children Court, Lakhimpur Kheri in Criminal Appeal No.74 of 2023 (Ankit Vs. State of U.P. and Ors.)
4. Learned counsel for the revisionist has contended that the revisionist, who is minor, was in affair with the victim and they were willing to enter into marriage but the family members of the victim were not agreeing to their wish, as a result, victim went with the applicant on her own, thereafter, due to annoyance, the F.I.R. of case in question was lodged and during the course of investigation, statement of victim was recorded but she has not supported the prosecution version, as she stated that her parents were willing to solemnize her marriage with someone else but she was interested in marrying with the revisionist and in the ossification test, age of victim is determined between 15 to 17 years. He further submitted that in the medico-legal examination on 08.05.2023, it was found that victim was carrying pregnancy of seven weeks two days, now she is having mature pregnancy. He further submitted that the Juvenile Justice Board has rejected the application of the revisionist without considering the D.P.O. report as well as Appellate Authority also rejected the bail application of revisionist, as the revisionist is in jail since 20.05.2023, therefore, he is liable to be released on 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 order dated 19.07.2023 passed by learned Juvenile Justice Board, Lakhimpur Kheri in Bail Application No.62/2023 arising out of Case Crime No.184/2023 under Sections 363, 366, 376 I.P.C. and 5(j), 2/6 of POCSO Act, P.S. Fardhan, Lakhimpur Kheri

as well as judgement and order dated 13.09.2023 passed by learned Special Judge, Children Court, Lakhimpur Kheri in Criminal Appeal No.74 of 2023 (Ankit Vs. State of U.P. and Ors.) is hereby **set aside**.

7. Let revisionist, namely, **Ankit Thru. His Father Lalji**, be released on bail in Case Crime No.184 of 2023 under Sections 363, 366, 376 I.P.C. and 5(j), 2/6 of POCSO Act, P.S. Fardhan, Lakhimpur Kheri 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:-

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

(2) 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.

(3) 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 :- 1.11.2023

V. Sinha