

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12492 of 2023

Applicant :- Smt. Arti

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

Counsel for Applicant :- Shailendra Kumar Singh, Ashutosh Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Shri Shailendra Kumar Singh, learned counsel for the applicant, Shri Akhilesh Kumar Vyash, learned AGA.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.324 of 2023, under Sections 376-D, 328, 504, 506 and 120-B IPC and 16/17 POCSO Act, Police Station - Gosaiganj, District - Sultanpur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.07.2023 against three persons, including the applicant, stating that the informant's 14 years daughter got pregnant and she told that the applicant had called her to her home about four months ago and had offered her noxious tea, after having which, the victim became dull. Thereafter the applicant got her raped by the two co-accused persons. When the victim raised her voice, the applicant had shut her mouth.
4. In the statement of the victim recorded under Sections 161 and 164 Cr.P.C., she merely stated that the applicant had called her and had asked her to go to the house of the co-accused Guddoo through her roof top and had said that she would get money, whereupon the victim had gone to the house of co-accused, Guddoo, where both the co-accused persons had raped her.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, she has been falsely implicated in the present case and she has no criminal history.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of

the case and keeping in view the aforesaid discrepancies in the version of FIR and the statement of the victim recorded under Sections 161 and 164 Cr.P.C.; and that the applicant is a woman and having no previous criminal history and she is languishing in jail since 21.07.2023 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.

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

9. Let the applicant-**Smt. Arti** be released on bail in in Case Crime No.324 of 2023, under Sections 376-D, 328, 504, 506 and 120-B IPC and 16/17 POCSO Act, Police Station - Gosaiganj, District - Sultanpur 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 :- 19.10.2023

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