

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2327 of 2023

Applicant :- Surendra

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

Counsel for Applicant :- Ramakar Shukla,Subodh Kumar
Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramakar Shukla, the learned counsel for the applicant as well as Sri Shaunak Singh, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 373/2023, under Sections 452, 354, 504, 506 IPC and Section 7/8 POCSO Act, Police Station Phardhan, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.08.2023 against the applicant and one Vipin Bajpai, alleging that the applicant had molested the informant's daughter and had did obscene activities with her on 28.07.2023.
4. In the statement of the victim recorded by the Magistrate, she stated that while she was washing clothes on a tap, the applicant had caught hold of her hands but she further stated that the applicant did not commit misdeed with her. She further that a dispute is going on between her father and the accused persons, due to which reason he father had lodged the FIR.
5. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view that the incident is alleged to have taken place on 28.07.2023 whereas the FIR has been lodged on 17.08.2023 and the victim has categorically stated that the applicant has not committed any misdeed, I am of the view that

the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant during pendency of the trial.

7. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-Surendra before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 19.10.2023

Pradeep/-