

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION
U/S 438 CR.P.C. No. - 2329 of 2023

Applicant :- Arpita Pandey

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

Counsel for Applicant :- Gyanoday Shukla, Mukesh Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mukesh Kumar Tewari, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate 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.205 of 2023, under Sections 354, 328 I.P.C., 7/8 POCSO Act, registered at Police Station Aliganj, District Lucknow (North).

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.07.2023 against the applicant and one Subhendu Prabhat Chturvedi stating that the informant was working in a company, of which co-accused was C.E.O. On 07.07.2023, the applicant asked her to sit back in the office till late hours on the pretext of helping her in getting accommodation and at 9 PM, she offered some noxious cold drink to the informant. Thereafter, she was taken to a flat where she was sexually assaulted. On 10.07.2023, she was disrobed and an attempt to commit misdeed was made.

4. In the statement of the informant recorded under Section 164 Cr.P.C. she did not make any allegation for any incident that took place on 07.07.2023. She alleged that the applicant

had offered cold drink to her during lunch hours on 10.07.2023 after consuming it she felt dizziness and thereafter accused sexually assaulted her.

5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, she has no criminal history and she has falsely been implicated in the present case.

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 fact that there are discrepancies in the version of FIR and the statement of the victim recorded under Section 164 Cr.P.C. and also that the applicant is 21 years old woman, and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of **applicant-Arpita Pandey** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail 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;

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(Subhash Vidyarthi, J.)

Order Date :- 19.10.2023

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