

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14523 of 2022

Applicant :- Mohit Kumar

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

Counsel for Applicant :- Prem Shanker, Alok Kumar Mishra

Counsel for Opposite Party :- G.A., Gulam Rabbani

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Alok Kumar Mishra, learned counsel for the applicant, Ms Charu Singh, learned A.G.A. for the State and Sri Gulam Rabbani, learned counsel for the informant and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.90 of 2022, under Sections 377, 307, 323, 504, 506 I.P.C. and Section 3/4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Bangarmau, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.03.2022 against two named persons, including the applicant and an unknown person, alleging that the applicant had committed unnatural sex with the informant's son aged about 10 years and the accused persons tried to kill him by strangulation.
4. In the medico legal examination report of the victim, no such injury has been reported which may support the FIR allegations by the Forensic Science Laboratory Report.
5. Another supplementary affidavit has been filed on behalf of the applicant annexing therewith copies of the statements of the informant and the victim recorded by the trial court and in their cross examination they have stated that the offence was not committed by the accused persons.
6. In the affidavit filed in support of bail application, it has been

stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case 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.

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

10. Let the **applicant**-Mohit Kumar be released on bail in aforementioned case 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.

(Subhash Vidyarthi, J.)

Order Date :- 6.12.2023

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