

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12670 of 2023

Applicant :- Shubhendu Prabhat Chaturvedi

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

Counsel for Applicant :- Mukesh Kumar Tewari, Devam Shukla, Gyanoday Shukla, Vijay Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Dixit, the learned counsel for the applicant as well as Sri Rishikesh 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 bail in F.I.R. bearing Case Crime No.205 of 2023, under Sections 354, 354A, 354B, 328, 120B I.P.C., 9/10 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 Arpita Pandey stating that the informant was working in a company, of which the applicant was the C.E.O. On 07.07.2023, the co-accused had 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 had offered some noxious cold drink to the informant. Thereafter, she was taken to a flat where she was sexually assaulted by the applicant. On 10.07.2023, the applicant disrobed her 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 incident on 10.07.2020 took place during Lunch Hours.
5. In the affidavit filed in support of the bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. The applicant has been languishing in jail since 13.09.2023 whereas the other co-

accused-Arpita Pandey has been granted anticipatory bail by means of the order dated 19.10.2023 passed in CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2329 of 2023.

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 the incident allegedly took place on 07.07.2023 and 10.07.2023 whereas the FIR has been lodged on 15.07.2023; that the FIR alleges commission of misdeed on 07.07.2023 although there is no such averment in the statement of the victim recorded under Section 161 and 164 Cr.P.C.; there are discrepancies in the version of FIR and the statement of the victim recorded under Section 164 Cr.P.C.; that the applicant has no previous criminal history and he is languishing in jail since 13.09.2023 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-Shubhendu Prabhat Chaturvedi 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 :- 30.10.2023
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