

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2423 of 2023

Applicant :- Chaitu Yadav

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Singh, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, 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.352 of 2023, under Sections 376, 504, 506 I.P.C. and 3/4 POCSO Act, registered at Police Station - Huzurpur, District - Bahraich.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.09.2023 alleging that when the informant's daughter had gone to attend the call of nature in a field, the applicant sexually assaulted her. In the statement of the victim recorded under Section 161 Cr.P.C., she merely stated that the applicant had caught hold of her hand and had dragged her inside the field but when she cried, her uncle reached there and the applicant ran away. However, in her statement under Section 164 Cr.P.C., she alleged commission of rape.
4. The victim declined to undergo medico legal examination.
5. It has been further stated that the applicant's involvement in four other cases has been disclosed in para-43 of the affidavit, in one of which the Investigating Officer has submitted a final report and in rest of the three cases, the applicant is yet to be summoned.
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 the incident, in the FIR, in the statement of the victim recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. and also that the applicant is a young man; that the applicant's involvement in four other cases has been disclosed in para-43 of the affidavit, in one of which the Investigating Officer has submitted a final report and in rest of the three cases, the applicant is yet to be summoned 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- **Chaitu Yadav** 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;

Order Date :- 31.10.2023

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