

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12864 of 2023

Applicant :- Arvind

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

Counsel for Applicant :- Arti Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Arti Shukla, learned counsel for the applicant as well as Sri Sanjay Maurya, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0228 of 2023, under Sections 354 (Ka) I.P.C. and Section 9m/10 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station- Amethi, District- Amethi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.09.2023 alleging that when the informant's daughter aged about four years had gone to purchase some goods from the applicant's shop, he molested her and touched her inappropriately. It was stated in the F.I.R that the applicant had not taken out the clothes of the victim. The F.I.R mentions age of the applicant to be 18 years.
4. In the statement of the victim recorded under Section 161 Cr.P.C., she stated that the applicant had touched her at inappropriate place, she forbade him and ran away to her home.
5. In the statement of the victim recorded under Section 164 Cr.P.C., she stated that the incident took place long ago, during a month of summer. She stated that the applicant had called her inside the shop and had touched her inappropriately.

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 keeping in view the fact that the incident is said to have taken place on 01.09.2023, but in the statement of the victim recorded under Section 164 Cr.P.C., she stated that the incident took place long ago during a month of summer; that the applicant is a young man of age 18 years having no previous criminal history and he is languishing in jail since 01.09.2023 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.

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

10. Let the **applicant- Arvind** be released on bail in the aforesaid 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 :- 1.11.2023
Gurpreet Singh