

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12869 of 2023

Applicant :- Phoolan @ Kajal

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

Counsel for Applicant :- Rajesh Kumar Singh Chuahan

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

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Eshan Kumar Gupta, learned counsel for the applicant; Sri Virendra Kumar, 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. 93 of 2014, under Sections 363, 366, 342 I.P.C. and Section 16/17 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station- Madaon, District- Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.02.2014 alleging that the applicant had enticed away the informant's daughter aged about 14 years. Presently, the applicant is aged about 26 years, from which it appears that at the time of the incident, the applicant was a juvenile.

4. Learned counsel for the applicant has submitted that the trial, in respect of other co-accused persons who had been implicated on the basis of statement of the victim recorded under Section 164 Cr.P.C., has concluded and all the other co-accused persons have been acquitted by means of a judgment and order dated 10.01.2023 passed by the Additional District and Sessions Judge/ Special Judge, POCSO Act, Court No.2, Lucknow in Sessions Trial No. 816 of 2014.

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

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 applicant is a woman having no criminal history, she was juvenile at the time of the incident and she is languishing in jail since 11.05.2023 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- Phoolan @ Kajal** 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