

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2526 of 2023

Applicant :- Rajesh @ Laundwa @ Rakesh

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

Counsel for Applicant :- Gyanendra Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gyanendra Pathak, the learned counsel for the applicant as well as Sri Anurag 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 anticipatory bail in F.I.R. bearing Case Crime No.583 of 2019, under Sections 354B, 504, 506 I.P.C., 7/8 POCSO Act, registered at Police Station Nanpara, District Bahraich.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.07.2019 alleging that when the informant's minor daughter had to gone to attend the call of nature in the morning of 20.06.2019, the applicant molested her and tried to rape her.

4. In the statement of the victim recorded under Section 164 Cr.P.C., she stated that the applicant had pushed her to the ground and when he tried to shut her mouth, she raised a cry whereupon her aunt reached there and the applicant ran away after beating her. She categorically stated that the applicant has pressed her mouth and did not commit any misdeed to her.

5. In the affidavit filed in support of the anticipatory 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.

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 took place on 20.06.2019 whereas the FIR has been lodged on 03.07.2019; that the victim has stated that besides pressing her mouth, the applicant did not commit any misdeed on her; coupled with the fact that the applicant is 23 years old young man having no criminal history 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- Rajesh @ Laundwa @ Rakesh** 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;

(Subhash Vidyarthi, J.)

Order Date :- 7.11.2023
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