

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2517 of 2023

Applicant :- Lallu Gautam Alias Triloki Nath

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
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, Sri Anant Pratap Singh, the learned AGA for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 28 of 2023, under Sections 354, 341, 323, 504, 506 IPC and Section 7/8 of Protection of Children from Sexual Offences Act, Police Station Visheshwarganj, District Bahraich.
3. The aforesaid case has been registered on the basis of an FIR lodged on 05.02.2023 against the three persons including the applicant, alleging that the accused persons had beaten up the informant's daughter after tying her with a tree.
4. The medico legal examination report of the victim mentions an old depressed small circular and scare on right side of forehead and no other injury has been reported.
5. The applicant had challenged the validity of the FIR by filing Criminal Misc Writ Petition No.1715 of 2023 and his arrest was stayed by means of interim order dated 02.03.2023. The applicant has filed anticipatory bail application after submission of charge sheet.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the findings of the medico legal examination report, the fact that the applicant was granted protection from arrest by Division Bench of this Court and that the investigation already stands completed and there is no need for the applicant custodial interrogation and also that the applicant has 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.

7. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of **applicant-Lallu Gautam Alias Triloki Nath** before the learned Trial Court in the aforesaid complaint case, 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 :- 7.11.2023

Renu/-