

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13806 of 2023

Applicant :- Ram Autar

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

Counsel for Applicant :- Ravi Shanker Tewari, Sheo Pal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ravi Shanker Tewari, learned counsel for the applicant, Sri Amitabh Chaturvedi, 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.0038 of 2023, under Section 354 I.P.C. and Section 9/10 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Talkatora, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.02.2023 alleging that the applicant had asked the informant's minor daughter that in case she takes out her undergarment, he will pay money.
4. In the statements of the victim recorded under Sections 161 and 164 Cr.P.C. she stated that the applicant had asked her to take out her undergarment.
5. Some independent witnesses were contacted by the investigating officer but they declined to give any statement stating that both the parties are related to each other and they do not want to get involved in their disputes.
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. Learned counsel for the applicant has submitted that even on the basis of allegations leveled in the FIR, no case for sexual assault is made out and there would be no occasion for a case of aggravated sexual assault being made against the applicant.

8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case 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.

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

11. Let the **applicant**-Ram Autar be released on bail in aforementioned 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 :- 23.11.2023
prateek