

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14245 of 2023

Applicant :- Shanu

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Govt. U.P. Lucknow
And Others

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajeet Kumar Singh, learned counsel for the applicant, Sri Ravish Chandra Mishra, 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. 277 of 2023, under Sections 363, 376 I.P.C. and Section 3/4 of Protection of Children from Sexual Offences Act, 2012, 3(2)(v) S.C./S.T. Act, registered at Police Station Lonar, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.07.2023 alleging that the applicant had enticed away the informant's daughter aged about 15 and a half years.
4. In the statement of the victim recorded under Section 161 Cr.P.C., she stated that her father had scolded her due to which she had gone away to the house of some relative and upon coming to know about the FIR, she was coming back but was taken by the police while she was on the way. She categorically stated that no misdeed had been committed against her.
5. In the medico legal examination report of the victim, no mark of injury or sign of use of force has been reported on any party of her body.
6. As per Radio-logical examination her age has been found to 17-18 years.
7. In the statement of the victim recorded under Section 164 Cr.P.C.,

she alleged commission of misdeed by the applicant and on being asked to further clarify the allegation, she stated that an attempt was made to rape her.

8. In the affidavit filed in support of bail application, it has been stated that the applicant is 21 years old innocent person, he has been falsely implicated in the present case and he has no criminal history.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that in her initial statement, the victim did not level any allegation of any misdeed whereas in her statement recorded under Section 164 Cr.P.C., she alleged an attempt to commit misdeed against her; that the applicant is a young man of 21 years old having no previous criminal history and he is languishing in jail since 20.07.2023 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.

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

12. Let the **applicant- Shanu** 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.

Order Date :- 4.12.2023
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