

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14773 of 2023

Applicant :- Diwakar Mishra

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramakar Shukla, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 414 of 2023, under Section 354, 504, 506 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, registered at Police Station Krishna Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 23.10.2023 alleging that the applicant lives in the neighborhood of the informant and on 09.10.2023, he caught hold of the informant's daughter aged 16 years and tried to pressurize her to open the gate of the house. On 20.10.2023, the applicant threw a slip containing his phone number.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is 46 years old Ex-Army man, he has been falsely implicated in the present case and he has no criminal history. The affidavit filed in support of the bail application has been verified by the applicant's 43 years old wife
5. The learned A.G.A. has opposed the prayer of the bail, but he

could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and without making any observations 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.

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

8. Let the **applicant- Diwakar Mishra** 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 the 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 :- 15.12.2023

Preeti.